

Chapter 18.78

RESIDENTIAL DEVELOPMENT CONTROL SYSTEM

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Editor's note: Measure P provisions (which repealed and replaced Measure E provisions), formerly codified as §§ 18.78.010 through 18.78.175, have been repealed and replaced by Measure C provisions under Ord. 1665 N.S., codified in this chapter as §§ 18.78.010 through 18.78.175.

Article I. Initiative Provisions

Part 1. Findings and Purposes

18.78.010 Findings and purposes.

In approving this initiative measure the voters of the City of Morgan Hill make the following findings:

- A. Since 1977 the City of Morgan Hill (“the City”) has had in place a Residential Development Control System (“RDCS”), which sets a target future population for the City and provides a method for evaluating proposed residential developments and issuing a limited number of development allotments each year. The RDCS has helped to assure that residential development pays for itself and that the rate of development does not outstrip the availability of public services and infrastructure to serve the City’s residents. The system was first enacted by the voters through Measure E in 1977, and subsequently refined and extended through Measure P in 1990. By its terms Measure P shall remain in effect until fiscal year 2009/10, and can be amended only by a vote of the people. By this RDCS Update, the voters of the City are extending and updating Measure P. (Ord. 1665 N.S. § 1 (Part 1), 2004)
- B. Under Measure P, the RDCS has fostered balanced growth in the City. The City has achieved a manageable level of development, and has encouraged more efficient patterns of development by directing growth to areas that are contiguous to existing development and served by adequate infrastructure. The RDCS has helped the City to preserve a diversity of housing opportunities, including a good stock of high-quality affordable housing, for its residents. It has helped to maintain the vitality of the City while preserving its open space resources. Accordingly, the people by this initiative measure are extending, through fiscal year 2019/20, the core provisions of the City’s General Plan and zoning ordinances relating to the RDCS. (Ord. 1665 N.S. § 1 (Part 1), 2004)
- C. Measure P established a population ceiling of 38,800 for the City in the year 2010. The City’s current population is approximately 35,000. In 2001, the City updated its General Plan and incorporated in it an updated population projection of 48,000 for the year 2020. This RDCS Update will incorporate the updated 2020 population projection and adjust the allotment provisions of the RDCS accordingly. (Ord. 1665 N.S. § 1 (Part 1), 2004)

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- D. The Leroy F. Greene School Facilities Act of 1998 provides for the exclusive means of considering and mitigating impacts of development projects on school facilities and limits the ability of a city to deny approval of a project on the basis that school facilities are inadequate. Conforming amendments to the RDCS are therefore appropriate.
- E. In reviewing the implementation of the numerical formulas and the scoring system of the RDCS, the City has concluded that, while on the whole the system works well and should be maintained and extended, certain aspects of the RDCS need to be further refined to provide a more consistent number of allotments each year and avoid extreme variations in the amount of residential development that takes place year to year, and otherwise to simplify the administration of the system.
- F. Measure P's requirement that one-third of all residential development allotments be awarded to projects on the west side of Monterey Road and one-third on the east side of Monterey Road, with the remaining third anywhere in the City, has resulted in undesirable effects including projects on the west side of Monterey Road being approved with lower point scores than projects on the east side. This RDCS Update would eliminate the required geographical distribution and instead adopt provisions encouraging new residential development in the downtown and near the central portion of the City. (Ord. 1665 N.S. § 1 (Part 1), 2004)
- G. The City adopted a new Downtown Plan in 2003. A major strategy of the Downtown Plan is to encourage an increase in the number of residential units in the downtown area, in order to strengthen the base of support for existing businesses, to provide market support for new businesses, and to establish a viable neighborhood in this central area of the City. This RDCS Update will require the reservation of a certain number of allotments for projects in the downtown area through 2010. Reserving allotments for residential projects in the area covered by the Downtown Plan will help to ensure that this strategy is successfully implemented. (Ord. 1665 N.S. § 1 (Part 1), 2004)
- H. Should the City in the future establish an Urban Limit Line or Greenbelt, no residential development or expansion of the Urban Growth Boundary or Urban Service Area could be approved pursuant to this RDCS Update that is inconsistent with such Urban Limit Line or Greenbelt. (Ord. 1665 N.S. § 1 (Part 1), 2004)
- I. Based on the foregoing, the voters hereby enact the provisions set forth in the following sections 3 and 4, amending Chapter 18.78 of the Morgan Hill Municipal Code, and extending the terms of Measure P, as amended, through fiscal year 2019/20. (Ord. 1665 N.S. § 1 (Part 1), 2004)

Part 2. Residential Development Control

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18.78.020 Development allotments--Required when.

For the years to and including fiscal year 2019/20, no residential development shall be undertaken, and no discretionary permit or building permit shall be issued, in the city unless a development allotment has been obtained therefore in accordance with the provisions of the general plan and the residential development control system (RDCS) set out in Parts 2 and 3 of this article, except secondary dwelling units ("granny units") and one-dwelling-unit developments as provided for below. One-dwelling-unit developments may be permitted without a development allotment, providing the following requirements are met: (Ord. 1665 N.S. § 3 (Part 2), 2004)

A. If the parcel upon which the one-unit-development is proposed is of sufficient size to accommodate additional units, a deed restriction shall be placed on the parcel which requires allotments to be obtained for any additional unit on the parcel. (Ord. 1665 N.S. § 3 (Part 2), 2004)

B. If more than one contiguous parcel is proposed for development by the same individual or entity, or entities with an identity of interest, under the single dwelling unit exemption on each parcel, Residential Planned Development zoning shall be required for such development. (Ord. 1665 N.S. § 3 (Part 2), 2004)

The residential development control provisions of Part 2 of this article shall apply to all types of residential development in the city, including single-family (which includes mobile homes) and multifamily housing.

18.78.030 Development allotments--Determination and distribution.

A. The population ceiling for the city as of January 1, 2020, is forty-eight thousand persons. This ceiling shall not be increased, regardless of whether additional lands are annexed to the City or its urban service area. (Ord. 1665 N.S. § 3 (Part 2), 2004)

If any of the following existing County subdivisions ("Existing County Subdivisions") are annexed into the City, the population within them shall not count against the 48,000 person limit, as set forth below in section 18.78.030B: Holiday Lake Estates Unit 1, Casalegno's Subdivision (Casa Lane), and El Dorado III. The population of these Existing County Subdivisions shall be determined by multiplying the number of homes in each area by the average number of persons per household as determined by the most recent State Department of Finance estimates. Prior to the enactment of Measure P, Holiday Lake Estates Unit 1 and Casalegno's Subdivision (Casa Lane) were provided with City water service. The El Dorado III subdivision, at the southwest corner of Hill Road and Diana Ave., was developed in the County, and provided with sewer and water service, in order to eliminate a significant County health problem. These Existing County Subdivisions are all within Morgan Hill's UGB and were at least 95 percent developed as of November 19, 2003. (Ord. 1665

N.S. § 3 (Part 2), 2004)

B. The number of allotments shall be determined biennially using the California Department of Finance's most recently determined persons per household figures and population for the City of

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The California Department of Finance's population estimate will be adjusted for any relevant housing backlog not included in its population estimate, the population of any Existing County Subdivision enumerated in paragraph 18.78.030A that has been annexed, and any other quantifiable factor which improves the accuracy of the estimate. The adjusted population is then subtracted from 48,000, the result divided by the Department of Finance's most recently determined figure for persons per household in Morgan Hill, and then divided by the number of years remaining between that population estimate date and 2020. This gross annual allotment number is then reduced for any fiscal year by its previously awarded allotments (awarded in prior years) and the number of exempt units anticipated for that fiscal year. (Ord. 1665 N.S. § 3 (Part 2), 2004)

The biennial allotment calculation applies to each fiscal year after the fiscal year in which it is computed. For example, the Spring 2004 computation will be used to set the number of allotments for the competition to be held for fiscal years 2006/07 and 2007-08, as well as to make any positive supplemental adjustments for the previously awarded fiscal years 2004/05 and 2005/06, for projects that competed for 2004/05 and 2005/06 allotments. (Ord. 1665 N.S. § 3 (Part 2), 2004)

C. The number of development allotments shall be divided between conventional single-family dwellings, mobile homes and multiple-family dwellings in a manner determined by the city council; provided that no less than thirty-three percent of all allotments shall be awarded to single-family dwelling units. The number of affordable/elderly dwelling units shall be assigned in a manner consistent with state law for the total number of allotments to be assigned for that year. The city council may, if it chooses, further divide the allotments according to geography, price, development size, phasing, including the number of units and timing of allotments required to complete a project, and similar criteria as deemed necessary to provide for the general welfare. (Ord. 1665 N.S. § 3 (Part 2), 2004)

D. For the competitions for allotments in fiscal years 2006-07 through 2009-2010, the City Council shall reserve a certain number of allotments for projects in the Downtown area. The number of allotments allocated, and the geographic limits of the Downtown area for this purpose, shall be determined by the City Council and may be amended, as necessary, to reflect changes in circumstances and needs. The Council may continue to reserve a certain number of allotments for projects in the Downtown Area after the 2009/10 fiscal year. (Ord. 1665 N.S. § 3 (Part 2), 2004)

18.78.040 Development allotments--Applications and evaluations.

A. Development allotments shall be allocated to proposed developments in accordance with a residential development control system set out in Part 3 of this article. This system shall provide for awards of development allotments based on the number of points scored for all development proposals within a competition. The City may conduct 1-year or 2-year competitions. The City may allocate a portion of the total allotment granted to an applicant as available in the subsequent year (i.e., in the event of a 1-year competition, a portion of the allotment is made available in the second year, and in the event of a 2-year competition, a portion is made available in the third year). The

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point scale used shall take into account the impact of the proposed development on the following public facilities and services: water supply system, sanitary sewer and treatment plant, drainage and runoff, fire and police protection, traffic and other municipal services. (Ord. 1665 N.S. § 3 (Part 2), 2004)

B. Proposed developments shall be awarded points for provision of schools, related facilities, open space, orderly and contiguous development, public facilities, parks and trails, low-income and moderate-income housing and housing for the elderly, diversity of housing types, and for quality of architectural design and site design.

C. Small residential developments provide special benefits to the city by encouraging local developers, providing design variety, and promoting utilization of smaller lots. These developments do not impose as high a burden on municipal services as do larger projects, because their demands are incremental and they tend to be in-fill developments. Such small developments may be unable to compete with larger developments in terms of the levels of amenities provided. In order to treat small developments in a manner reflecting their benefits to the community, the residential development control system shall be designed to provide for small development through appropriate means selected by the city council, such as a separate small project competition and a more streamlined and less costly process.

D. In implementing the provisions of the residential development control system and making awards of development allotments, the city council shall comply with Government Code Sections 66000 et seq.

E. Up to 10 allotments per year may be set aside for vertical mixed-use projects. These reserved allotments may be awarded to projects that receive at least a minimum passing score through a competitive process or on a first-come, first-served basis. (Ord. 1665 N.S. § 3 (Part 2), 2004)

The City Council may establish higher minimum passing scores for mixed-use projects and/or consistency with the guidelines for development contained in the City's Downtown Plan. The City Council may allow for a maximum of 20 unused mixed-use allotments to be carried over from year to year, if unused in prior years, for a maximum of 30 units potentially available for distribution in one year under this set-aside. Mixed-use projects eligible for allotments under this set-aside shall be no larger than 15 units. A single development project shall be eligible to receive allotments under this set-aside only once. (Ord. 1665 N.S. § 3 (Part 2), 2004)

18.78.050 Emergency situations--Restrictions on development.

No residential development shall be permitted during a period of emergency or severe impaction of public facilities, as declared by the city council pursuant to provisions of this code. The declaration of an emergency or severe impaction situation may be based on determinations of mandatory water rationing, sewage system operating at ninety-five percent capacity, or other endangerment to the public health, safety or welfare. In the event of overcrowding in any public school serving Morgan Hill, the City Council shall work with the school district pursuant to

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Government Code sections 65970 et seq. to seek appropriate mitigation and prevent further overcrowding, including, as authorized by state statute, prohibiting residential development within the overcrowded school attendance area. The Council shall, in implementing this provision, comply with the provisions of Government Code Sections 65858, 65996, and any other applicable provisions of law. (Ord. 1665 N.S. § 3 (Part 2), 2004)

18.78.060 Open space conversions.

A. No development allotments shall be awarded for a development proposal pursuant to this chapter and the RDCS unless the public benefits included in the proposal are secured in a permanent and enforceable manner. Lands that are designated for private or public open space, greenbelts, parks, paths, trails, or similar scenic and recreational uses in a residential development allotment application under Part 2 of this article shall, once the application is approved, be limited to the uses specified in the application, through the use of permanent dedications, easements or similar devices.

B. With respect to development allotments already awarded, wherever legally possible, no further building permits shall be granted for a project until such public benefits specified in the development application, particularly but not exclusively open space dedications, have been secured in a permanent and enforceable manner.

C. The lands within the city that are designated "open space" on the city's general plan land use/circulation elements map, as amended through November 19, 2003, are reaffirmed and readopted through fiscal year 2019/20. This provision shall not prevent the city council from designating additional lands as open space.

18.78.070 Urban service area restrictions.

A. The city shall neither apply to LAFCO, nor otherwise request or support, the addition of any land to its urban service area, until such time as the city council finds that the amount of undeveloped, residually developable land within the existing urban service area is insufficient to accommodate five years' worth of residential growth beyond that required to accommodate the number of development allotments available in the next competition. The projected rate of growth for purposes of this determination shall be the rate of growth provided for by the general plan and the RDCS, set out in Parts 2 and 3 of this article. After making such a finding of space insufficiency, the city may support the addition of land to the urban service area only to the extent necessary to support approximately five or fewer years of growth beyond that required to accommodate the number of

development allotments available in the next competition. (Ord. 1665 N.S. § 3 (Part 2), 2004)

B. The city council may formulate standards by which it may make exceptions to subsection A of this section for desirable in-fill. "Desirable in-fill" means a tract of land not exceeding twenty

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acres and abutted on at least two sides by the city or abutted on one side by the city and having two other sides within a quarter-mile of a city boundary, as determined by a perpendicular line drawn from the side of the parcel to the city boundary, and whose inclusion into the urban service area would not unduly burden city services and would beneficially affect the general welfare of the citizens of the city. The standards set up for granting such exceptions must include criteria to prevent repetitively granting exceptions to the same applicant, development or parcel. The City Council, prior to approving any expansion of the Urban Service Area for desirable in-fill, shall make findings documenting that the expansion would not unduly burden city services, and that the expansion would beneficially affect the general welfare of the citizens of the City, as defined in the following paragraph. (Ord. 1665 N.S. § 3 (Part 2), 2004)

Areas whose addition to the Urban Service Area would be considered to beneficially affect the general welfare of the citizens of the City include those which promote orderly and contiguous development by facilitating the provision of infrastructure improvements, or allow for the establishment of public facilities such as parks, schools, or other buildings to be owned or operated by the city, school district, water district, or any other public agency. Infrastructure improvements that would promote orderly and contiguous development are those that connect to the existing infrastructure (for example, the continuation of a dead-end street that would improve traffic circulation patterns), or otherwise complete or complement the existing system. The infrastructure improvements that are the basis of the City's findings that the expansion would beneficially affect the general welfare of the City must be installed, or the land needed for public facilities that are the basis of the City's findings that the expansion would beneficially affect the general welfare of the City must be conveyed to the public agency, within five years of the date the area is added to the Urban Services Area or upon its development, whichever occurs first. The commitment by the applicant to install the infrastructure improvements on which the City's findings are based, or convey the land needed for the public facilities on which the findings are based, must be secured prior to official action adding the area to the Urban Services Area, through a development agreement or other legally binding agreement recorded against the property. The infrastructure or land required to be provided by an applicant shall not exceed that needed to fully offset and mitigate all direct and cumulative impacts on services and infrastructure from new development proposed by the applicant. (Ord. 1665 N.S. § 3 (Part 2), 2004)

The future annexation of one or more of the Existing County Subdivisions enumerated in section 18.78.030A may be necessary to allow the residents of those areas to receive additional municipal services. Given the developed status and the current provision of municipal services to these subdivisions, any of these Existing County Subdivisions may be added to the City Urban Service Area and annexed into the City without otherwise meeting the test for desirable infill development. (Ord. 1665 N.S. § 3 (Part 2), 2004)

C. Part 2 provisions of this article are not intended, and shall not be applied, to restrict or constrain the discretion of the LAFCo, nor to prevent any action required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 or other state statute or by any court judgment. (Ord. 1665 N.S. § 3 (Part 2), 2004)

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D. In order to assure that City services and resources are not unduly burdened, urban sprawl and noncontiguous development must be discouraged. Therefore, for any land added to the urban service area between March 1, 1990, and the effective date of Measure P, December 8, 1990, and not considered in-fill as defined in subsection B of this section, the city shall not provide urban services to support any development at a higher density than that provided for in the Santa Clara County general plan as of March 1, 1990. (Ord. 1665 N.S. § 3 (Part 2), 2004)

18.78.080 Urban services extensions.

The city shall grant no new extensions of urban services for residences beyond its urban service area except in the event that:

A. Morgan Hill has entered into a mutual aid or reciprocal emergency agreement for police, fire or other emergency services to be provided by city facilities on county land; or

B. An owner of an existing development requests an extension due to the failure of an existing septic system or well and the city council makes a finding that denial of services to that development would have a direct adverse impact on the public health and safety.

Part 3. Residential Development Control System

18.78.090 Application--Procedure and contents--Fees.

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A. An application for a development allotment shall be made to the city planning division on a form provided by the city. Such application shall contain the following information and be accompanied by the following documents: (Ord. 1665 N.S. § 3 (Part 3), 2004)

1. Site utilization map including:
 - a. Vicinity map to show the relationship of the proposed development to adjacent development, the surrounding area and the city,
 - b. Site use layout map showing the extent, location and type of proposed residential use or uses, the nature and extent of open space, and the nature and extent of any other uses proposed. The site use layout map is of major importance; the vicinity map may be shown as a small inset map;
2. Site development plan including lot layout to preliminary subdivision map standards; topography; lot sizes; street alignments showing coordination with city street system; existing and proposed buildings, trees, landscaped areas; open space; bicycle paths, equestrian trails or pathways;
3. Preliminary architectural plans including typical architectural elevations, types and numbers of dwelling units, proposed color of buildings;
4. Preliminary grading plans including a general indication of type, extent and timing of grading;
5. Narrative description of preliminary landscape plans including general indications of planting; (Ord. 1665 N.S. § 3 (Part 3), 2004)
6. Housing marketability and price distribution including expected ranges of rental amounts or sales prices, low-income and moderate-income housing to be provided, and applicability to housing assistance plan, if any;
7. Statement regarding how the proposed development will comply with state law requirements regarding the mitigation of impacts of the development on school facilities. Description of other needed public facilities to be provided, if any, such as critical linkages in the major street system, or other vital public facilities; (Ord. 1665 N.S. § 3 (Part 3), 2004)
8. Development schedule including proposed schedule of development including phasing; (Ord. 1665 N.S. § 3 (Part 3), 2004)
9. Such other information as may be required by the planning manager. (Ord. 1665 N.S. § 3 (Part 3), 2004)

B. Each application shall be accompanied by a reasonable fee set by the city council based on the cost to the city of the processing of the application. Such fee is in addition to any other fees such as rezoning fees, annexation fees, etc., and shall not be returned in the event that no development allotment is awarded.

C. An applicant may file only one application for any given property in any competition. (Ord. 1665 N.S. § 3 (Part 3), 2004)

D. An application for a development allotment shall be filed with the city planning division on a date determined by the planning manager, which shall be no later than twenty-one months preceding the fiscal year during which the allotments must be utilized. (Ord. 1665 N.S. § 3 (Part 3), 2004)

18.78.100 Application--Evaluation by planning officer.

A. The planning officer (hereinafter referred to as PO) shall review each application and determine whether or not the proposed development conforms to the city's general plan. If the PO determines that a proposed development does not conform to the general plan, the application shall be rejected. The applicant shall be given a notice of such rejection within fifteen days after the submission of his application. Such notice shall be given by the PO by mailing a copy of the notice to the applicant at his address as shown in the application.

B. Within fifteen days after such notice is mailed, the applicant may appeal the decision of the PO to the city council by filing a written notice of appeal with the city clerk, who shall place the matter on the next available agenda for a regular council meeting. The city council shall consider the appeal at such regular meeting, and shall either affirm the decision of the PO to reject the application on the basis of nonconformity with the plans, reverse the decision by finding that the proposed development is in conformity with the plans, or permit the applicant to modify his proposed development to bring it into conformity with the plans. The decision of the council shall be final and conclusive. (Ord. 1665 N.S. § 3 (Part 3), 2004)

18.78.110 Evaluation procedures--Generally.

Proposed developments found by the PO or city council to conform to the general plan shall be evaluated by the PO and awarded points as set forth in Section 18.78.115. The planning commission shall establish a specific set of standards and criteria to direct the PO in assigning points under each category in Sections 18.78.115 and 18.78.120. The PO shall submit his evaluation to the planning commission and the commission shall approve, disapprove or modify the PO's evaluation by simple majority vote.

18.78.115 Evaluation procedures--Impact on existing facilities--Point system.

A. Each proposed development shall be examined for its relations to and impact upon local public facilities and services.

B. The appropriate city department or outside public agencies shall provide recommendations to the PO and the PO shall rate each development by assigning from zero to two points for each of

the following:

1. The ability and capacity of the water system to provide for the needs of the proposed development without system extensions beyond those which the developer will consent to provide (comments of the city director of public works); (Ord. 1665 N.S. § 3 (Part 3), 2004)

2. The ability and capacity of the sanitary sewer distribution and treatment plant facilities to dispose of the waste of the proposed development without system extensions beyond those which

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the developer will consent to provide (comments from the city director of public works); (Ord. 1665 N.S. § 3 (Part 3), 2004)

3. The ability and capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development without system extensions beyond those which the developer will consent to provide (comments from the Santa Clara Valley Water District and the city director of public works); (Ord. 1665 N.S. § 3 (Part 3), 2004)

4. The ability of the city-designated fire department to provide fire protection according to the established response standards of the city without the necessity of establishing a new station or requiring addition of major equipment to an existing station, and the ability of the police department to provide adequate patrols for residential and traffic safety without the necessity of acquiring new equipment or personnel (comments from the fire and police departments); (Ord. 1665 N.S. § 3 (Part 3), 2004)

5. The ability and capacity of major street linkages to provide for the needs of the proposed development without substantially altering the existing street system (the desired target traffic level of service being no worse than ["D+"] level of service as defined in the 1985 Transportation Research Board Report # 209), except as otherwise allowed in the General Plan, and the availability of other public facilities (such as parks, playgrounds, etc.) to meet the additional demands for vital public services without extension of services beyond those provided by the developer (comments from the appropriate department heads). (Ord. 1665 N.S. § 3 (Part 3), 2004)

18.78.120 Evaluation procedures--Design and amenity criteria.

On quality of design and extent of contribution to public welfare and amenities, the PO shall examine each proposed development and shall rate each development by the assignment of no more than the maximum number of points allowable on each of the following:

A. The provision of school facilities and amenities, as attested by agreement with the MHUSD, to the extent such consideration is not in conflict with state law. (Ord. 1665 N.S. § 3 (Part 3), 2004).....25 points;

B. The provision of public and/or private usable open space and, where applicable, greenbelts20 points;

C. The extent to which the proposed development accomplishes an orderly and contiguous extension of existing development rather than leapfrog development, by using land contiguous to urban development within the city limits or near the central core and by the filling in on existing utility lines rather than extending utility collectors20 points;

(For purposes of this section, "the central core" is the area illustrated on the Central Core Map, attached as Exhibit B and described generally as that area bounded on the west by Del Monte Ave. from Wright Ave. to Ciolino Ave. and by West Little Llagas Creek from Ciolino Ave. to Cosmo St; on the east by the railroad tracks from the easterly prolongation of Wright Ave. to Main Ave., by Butterfield Blvd. from Main Ave. To Dunne Ave., and by Church St. from Dunne Ave. to the easterly prolongation of Cosmo St.; on the north by Wright Ave. and its easterly prolongation to the

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railroad tracks; and on the south by Cosmo St. and its easterly prolongation to Church St.) (Ord. 1665 N.S. § 3 (Part 3), 2004)

D. The provision of needed public facilities such as critical linkages in the major street system, or other vital public facilities10 points;

E. Provision of parks, foot or bicycle paths, equestrian trails or pathways . . 10 points;

F. The provision of units to meet the city's need for low-income and moderate income and elderly housing and the extent to which such provision meets the goals of the housing element of the general plan including the distribution of housing types to provide neighborhoods of ethnic and economic diversity15 points;

G. The extent to which the proposed development itself consists of a diversity of housing types to meet the goals of the housing element of the general plan15 points;

H. Architectural design quality as indicated by the quality of construction and by the architectural elevations of the proposed buildings judged in terms of architectural styles, size and height14 points;

I. Site design quality as indicated by lot layout, orientation of the units on the lots, and similar site design considerations15 points;

J. Site and architectural design quality as indicated by the arrangement of the site for efficiency of circulation, on-site and off-site traffic safety and privacy15 points;

K. Site and architectural design quality as indicated by the amount of private safety and security provided in the design of the individual structures10 points(Ord. 1665 N.S. § 3 (Part 3), 2004);

L. Site and architectural design quality as indicated by the amount and character of landscaping and screening and color of buildings10 points;

M. Site design quality in adapting the development to the setting, including the preservation of vegetation, trees, natural terrain, and other natural and environmental features.10 points (Ord. 1665 N.S. § 3 (Part 3), 2004);

N. The extent to which the proposed development exhibits overall project excellence and/or incorporates or otherwise embodies the concepts of Livable Communities, such as proximity to transit, pedestrian orientation, efficiency of street system, mixed-use, infill, and maximization of use of existing infrastructure10 points. (Ord. 1665 N.S. § 3 (Part 3), 2004)

18.78.125 Award and issuance of allotments.

A. The PO shall notify each applicant of his evaluation under Sections 18.78.110 through 18.78.120. Such notice shall be given in writing within seven days after the evaluation has been approved by the planning commission by mailing a copy of such notice to the applicant at his address as shown in his application. At the same time, the PO shall notify in writing the MHUSD and all other city departments and public agencies which provided input for the evaluation under Sections 18.78.110 through 18.78.120 of the result of that evaluation.

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B. Proposed developments which have not been assigned a minimum of 7.5 points under Section 18.78.115 or a minimum of one hundred sixty (160) points under Section 18.78.120 shall not be given a development allotment, except for Micro projects (as defined by the City Council) and projects which are 100% affordable, for which the minimum passing score shall be one hundred fifty (150) points. Any applicant whose proposed development has not been given the required number of points under this section may appeal its scoring to the city council as provided in Section 18.78.130. (Ord. 1665 N.S. § 3 (Part 3), 2004)

C. Subject to the limitations set forth in this subsection and subsection F of this section, proposed developments which have received a minimum of 7.5 points under Section 18.78.115 and a minimum of one hundred sixty points under Section 18.78.120 (or, for qualifying projects, one hundred fifty points) may be awarded an allotment. Where the number of residential units in proposed developments which have received the required number of points for a development allotment (either by planning commission's determination or by city council's determination on appeal) exceed the numerical limits established by the city council by competition category (micro, small, affordable, large market rate), development allotments for which the council-established numerical limit has thus been exceeded shall be awarded to the highest scoring projects based on the number of points received under Section 18.78.120. A project may be awarded fewer than the total number of allotments requested by it, and the surplus allotments awarded to the next highest scoring development(s) if doing so would help create a more balanced and equitable distribution of allotments and help to achieve the goals of the General Plan. Where allotments are made on the basis of comparative standing on the list, any applicant who has received the required minimum number of points, but who is not high enough on the list to receive a development allotment, may appeal its scoring to the city council as provided in Section 18.78.130. (Ord. 1665 N.S. § 3 (Part 3), 2004)

In the event that an applicant seeks a higher number of allotments than is available in a competition, the City Council may, in its discretion and in order to encourage high-scoring applicants to complete their projects, grant allotments for an additional fiscal year. For a one-year competition, the allotment may be allocated over two years, and for a two-year competition, the allotment may be allocated over three years. (Ord. 1665 N.S. § 3 (Part 3), 2004)

D. Allotments shall be issued no less than 16 months prior to the start of the first fiscal year in which the allotments must be used. Allotments shall be awarded for no more than three fiscal years in a single competition. (Ord. 1665 N.S. § 3 (Part 3), 2004)

E. Any applicant whose development evaluation has been completed and where any appeals, if applicable, have been resolved and who does not receive an allotment for the competition will not be considered automatically for the subsequent competition, but must reapply under Section 18.78.090 for the next or subsequent competition. (Ord. 1665 N.S. § 3 (Part 3), 2004)

F. If a project receives an allotment in a competition for more than 50 percent of the units in the project but fewer than the total number of units needed to complete it, the additional units needed to complete it may be awarded to the project for the competition year immediately after that covered by the current competition. This additional allotment shall be considered a portion of the limited

allotment for that future competition. The number of units awarded under this section for a future competition year shall be similar to the number of units awarded per year for the major portion of the project. (Ord. 1665 N.S. § 3 (Part 3), 2004)

G. To ensure that growth is orderly and not sporadic, dwelling units that are allocated for one fiscal year and not physically commenced according to an approved development schedule by the end of that fiscal year, shall lose their allotment and must reapply under the development allotment process outlined in Section 18.78.090 if development is still desired by the developer. An exception to the loss of allotment may be granted by the city council if the cause for the lack of commencement was the city's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140, or extended delays in environmental reviews, delays not the result of developer inaction, or allotment appeals processing. (Ord. 1665 N.S. § 3 (Part 3), 2004)

For projects that include the sale of individual lots for custom development by individual purchasers, purchasers of the custom lots shall be given an additional 24 months to physically commence construction. If this extension proves insufficient, an applicant for a custom home may apply for an additional extension subject to the same rules and circumstances as outlined in this paragraph for other projects. (Ord. 1665 N.S. § 3 (Part 3), 2004)

18.78.130 Appeal procedures.

A. An applicant may appeal to the city council for a review of the scoring of its proposed development project pursuant to Sections 18.78.110 through 18.78.120 by filing a written notice of appeal with the city clerk within fifteen days after the notice of evaluation has been mailed as described in Section 18.78.125 (A). (Ord. 1665 N.S. § 3 (Part 3), 2004)

B. The MHUSD or other public agencies which provided input for the evaluation under Sections 18.78.110 through 18.78.120 may appeal to the city council the evaluation under Sections 18.78.115 and 18.78.120 within fifteen days after notice has been mailed as described in Section 18.78.125 (A). (Ord. 1665 N.S. § 3 (Part 3), 2004)

C. Any citizen or group of citizens may appeal to city council the evaluation of any applicant by filing with the city clerk a petition signed by one hundred registered voters of the city within fifteen days after the notice of evaluation has been mailed to the applicant as described in Section 18.78.125 (A). (Ord. 1665 N.S. § 3 (Part 3), 2004)

D. In the event an appeal is filed under subsections A, B or C of this section, the city clerk shall place the matter on the next available agenda for a regular council meeting. The city council shall consider the appeal at such regular meeting at which time the council will hear the applicant or his representative and such other persons as may be able to assist the council in the determination of the matter on appeal. The council may affirm or modify the project scoring and its decision shall be final and conclusive. (Ord. 1665 N.S. § 3 (Part 3), 2004)

18.78.140 Emergency situations--When declared--Action and review by council.

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- A. An emergency or severe impactation situation shall be any one or more of the following:
1. A finding by the director of public works that the sewage facility usage level exceeds ninety-five percent of the capacity of the system;
 2. Mandatory city water-rationing measures in effect;
 3. MHUSD notifies the City Council that conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of educational programs, pursuant to Government Code section 65971; (Ord. 1665 N.S. § 3 (Part 3), 2004)
 4. Any public agency providing services essential to the public health and safety notifies city council in writing or by resolution that its ability to meet the public needs is severely impacted; (Ord. 1665 N.S. § 3 (Part 3), 2004)
 5. Any other endangerment to public health, safety or welfare which the city council determines to exist for the purposes of Part 3 of this article.
- B. If any of these specified conditions exist, then the city council shall certify an emergency or severe impactation situation.
- C. In addition, any citizen or group of citizens may petition the city council for declaration of an imposition of an emergency or severe impactation situation by filing with the city clerk a petition signed by four percent of the registered voters of the city. The city council, at their next available regularly scheduled meeting, must then vote on a resolution of emergency or severe impactation situation. Certification and decertification of a petitioned emergency condition requires a minimum of three affirmative votes for passage. (Ord. 1665 N.S. § 3 (Part 3), 2004)
- D. In the event such an emergency or severe impactation is certified, no building permit and no allotment shall be issued unless the city council first specifically finds that the building permit or specific allotment will not contribute additionally to the existing emergency or severe impactation situation, or that the building permit or specific allotment has adequately mitigated its additional impact.
- E. The PO shall review all certified emergency or severe impactation situations at least quarterly, and shall determine whether conditions warrant continuation of the emergency or severe impactation. The PO shall report his findings to the city council, and notice of such findings shall be placed on the city council agenda and published in a newspaper of general circulation. If the city council finds, based on the PO's report, that the certified emergency or severe impactation situation no longer exists, it shall decertify the emergency.
- F. In implementing Part 3 of this article, the city council shall comply with the provisions of Government Code Sections 65858, 65972, 65996, and other applicable state law requirements. Where those provisions conflict with this article, the state statute shall prevail. (Ord. 1665 N.S. § 3 (Part 3), 2004)

18.78.150 Quarterly progress review--Failure to comply.

- A. The planning officer shall review, on a quarterly basis, each proposed development which has received a development allotment to determine whether satisfactory progress is being made with

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the processing of the appropriate plans with the planning division. (Ord. 1665 N.S. § 3 (Part 3), 2004)

B. Should a developer fail to comply with the development schedule submitted with his application or as agreed with the city staff and council, or should he fail to initiate the processing of the appropriate plans, or should the development deviate below the points awarded for its initial application, the PO shall report such failure or deviation to the city council. Thereafter, the council, after holding a hearing, may rescind all or part of the development allotment in favor of another development which has qualified for such allotment and which is capable of commencement in the year for which the allotment was awarded. (Ord. 1665 N.S. § 3 (Part 3), 2004)

Part 4. General Provisions

18.78.155 Duration of provisions.

This article shall remain in effect until and including fiscal year 2019/20. (Ord. 1665 N.S. § 4 Part 4), 2004)

18.78.160 Compliance with state and federal laws.

The provisions of this article shall not apply to the extent, but only to the extent, that they would violate the Constitution or laws of the United States or the state of California.

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18.78.165 Severability.

A. If any provision or application of any provision of this article is held unconstitutional or violative of any state or federal law, the invalidation shall not affect the validity of any other provision or application of any provision. The voters of Morgan Hill declare that the provisions and applications of the provisions of this article are severable and would have been enacted as they were even though any other provision or application or applications are held unconstitutional or otherwise violative of law.

B. It is the intent of the voters of Morgan Hill, by enactment of this article, to extend and expand the essential residential development control provisions and policies of Measure P. If this article is held invalid in its entirety, then Measure P shall remain in effect, as previously codified. (Ord. 1665 N.S. § 4 (Part 4), 2004)

C. If any provision of Part 2 or 3 of this article is held invalid, the remainder of the ordinance codified in this article shall be given effect, and to the maximum extent feasible, shall be combined with the provision or provisions of Measure P that correspond to the invalidated provision. (Ord. 1665 N.S. § 4 (Part 4), 2004)

18.78.170 Unconstitutional taking of private property prohibited.

This article shall not operate to deprive any landowner of substantially all the market value of his property or otherwise constitute an unconstitutional taking without compensation. If application of the provisions of this article to a specific project would effect a taking, then pursuant to this article the city council may alter the provisions of this article, but only to the extent necessary to avoid such a taking. Any such adjustments shall be designed to carry out the goals and provisions of this article to the maximum extent feasible.

18.78.175 Amendment or repeal.

This article and the “Residential Development Control” section of the General Plan, were enacted into law by the voters and accordingly, may be amended or repealed only by the voters of the city at a municipal election. (Ord. 1665 N.S. § 4 (Part 4), 2004)

Article II. Specific Policies

18.78.180.A Summary of Standards and Criteria.

Part 2 Specific Standards and Criteria

18.78.210	Schools	Maximum Awarded:	25
			<u>Points Available</u>
	1. Developer fees		16
	2. Safe walking routes		6
	3. Off-site pedestrian safety improvements		4
	4. Community Room for after school programs		<u>2</u>

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18.78.220	Open Space	Maximum Awarded:	20
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Points
Available

1.a Open space buffer	2
1.b Common useable open space	3
1.c Convenient access to parks	1
1.d Accessibility to parks/open space	1
1.e Historical landmarks	2
2. Ratio of buildings to open space	11
3. Downtown open space amenity fee	6
4. TDC's	<u>6</u>
	32

18.78.230	Orderly and Contiguous	Maximum Awarded:	20
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Points
Available

1. Near central core	8
2. Fills in existing utilities	6
3. Adjacent to existing development	5
4. Subsequent phase of development	2
5. Quality of project master plan	<u>1</u>
	22

18.78.240	Public Facilities	Maximum Awarded:	10
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Points
Available

1. Micro or small vertical mixed use	3
2.a Grids water mains to existing system	2
2.b Design consistent with City storm drain system	1
2.c Location of storm drain lines	2
2.d Design of on-site detention/retention pond	2
2.e Contribution to local drainage fund	1
2.f Provides public improvements	4
2.g Contribution to public facilities fund	<u>1</u>
	16

18.78.250	Parks and Paths	Maximum Awarded:	10
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	<u>Available</u>
1. In lieu fee – small project	4
2. Amenities	4
3. Bike paths/equestrian trails	1
4. Downtown area	3
5. Neighborhood park	2
6. Additional park fees: double	3
7. Additional park fees: triple	6
8. Exceed dedicated land requirement	<u>4</u>
	27

18.78.260	Housing Needs	Maximum Awarded:	15
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	<u>Points</u> <u>Available</u>
2. 10% moderate rate units	2
3. Housing mitigation fee	6
4.a Affordable units for sale	13
4.b Downtown Area Project	10
5. Minimum 10% BMR in joint venture with non-profit agency	13
6. Double standard housing mitigation fee	<u>6</u>
	50

18.78.270	Housing Types	Maximum Awarded:	15
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	<u>Points</u> <u>Available</u>
1. Diversity of types and categories	7
2. Economic diversity	4
3. Variation of sizes	<u>4</u>
	15

18.78.280	Quality of Construction	Maximum Awarded:	15
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	<u>Points</u> <u>Available</u>
1. Exterior design	1
2a. Conservation of resources	
a. Energy Star windows	2
b. Two zone heating	2
c. Efficient A/C	1

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d. Efficient gas furnace	1
e. Use of alternative energy	2
f. Certified HVAC and ductwork	1
2.b Water conservation	1
3.a Cast iron drain pipe	1
3.b Construction techniques exceed code	1
4. Architectural variation and differentiation	
a. Porches and balconies	2
b. Roof lines	1
c. Profiles and massing	1
d. Relief and details	<u>2</u>
	19

18.78.290	Lot Layout and Orientation	Maximum Awarded:	15
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	<u>Points</u> <u>Available</u>
1. Good site design and layout	
a. Avoids deep or narrow lots	1
b. Separation of buildings	1
c. Avoids sharp angled lots	1
d. Driveways <150 ft. long	1
e. Transition of lot sizes	1
f. Overall excellence of project and minimum number of changes	2
2. Street design	
a. Location to parks and open space	1
b. Visibility of entrances	1
3. Variety of setbacks	
a. Between units – front	1
b. Between units – rear	1
c. Variation of lot widths	1
d. Garage placement	2
4. Measures to reduce noise	2
5. Downtown area – 3 rd story setback	1
6. Downtown area – variation of façade	1
7. Downtown area – shared parking	<u>1</u>
	19

18.78.300	Circulation Efficiency	Maximum Awarded:	15
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	<u>Available</u>
1a. Discourage fast traffic	1
1.b Future street extensions	2
1.c Future drive aisles/ parking lots	1
1.d Looping pattern of circulation	1
1.e eliminate existing stubs	2
1.f Avoids short blocks	1
1.g Minimum 20ft. clear view back-out distance	1
1.h Multiple access streets	1
1.i Landscaped islands and entry monument	1
1.j Facilitates emergency response	1
1.k Provides public parking in downtown area	2
2.a Internal circulation for local residents	1
2.b Avoids undesirable future traffic situations	1
3. Dedication or improvement to existing streets and parking lots outside of project	2
4. R3 Project: minimizes conflicting backout movements	1
5. R3 Project: Amenities not near parking or circulation aisles	1
6. Downtown area projects	
a. Mid-block pedestrian connections	1
b. Entries oriented to public streets	1
c. Closes gaps in pedestrian and bike network	1
d. Provides bike racks	<u>1</u>
	24

18.78.310	Safety and Security	Maximum Awarded:	10
		<u>Points</u>	
		<u>Available</u>	
	1.a Provide fire escape ladder and fire extinguishers		0.5
	1.b Provide first aid kit		0.5
	1.c Other non-code fire protection device		0.5
	1.d Provide outdoor lighting		0.5
	1.e Illuminated address numbers and curb numbers		1
	1.f Other intrusion protection device or approved construction technique		0.5
	2. Non-combustible siding materials		2
	3. Monitored alarm system		3
	4. Fire sprinkler system		3
	5. Neighborhood emergency preparedness Program		

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through HOA	1
6. Carbon monoxide detection device	1
7. Neighborhood "Watch Program" in CC&R's	<u>1</u>
	14.5

18.78.320 Landscaping, Screening & Color Maximum Awarded: 10

	<u>Points</u> <u>Available</u>
1.a 24" box-size trees within project	1
1.b Shading & screening of group parking areas	1
1.c Varied front yard landscaping	1
1.d Energy saving trees on south walls	1
1.e 24" trees for streets	1
1.f Adheres to Street Tree Master Plan	1
2.a Drought tolerant grasses	0.5
2.b Automatic irrigation systems	0.5
2.c Pleasing hardscape coverage	0.5
2.d Use of water conserving plants	0.5
2.e Separate water source for irrigation of common area	2
2.f Small & Micro projects: Separate water supply for common area irrigation	1
3. Visible landscaping to public	1
4. Minimize drainage runoff	2
5. Downtown Area: Use of building color	<u>1</u>
	15

18.78.330 Natural and Environmental Maximum Awarded: 10

	<u>Points</u> <u>Available</u>
1.a Minimize grading	1
1.b Restricts runoff	1
1.c Preserves trees	1
1.d Preserves natural setting	1
1.e Improves natural conditions on adjacent sites	2
2.a Provides privacy for residents	1
2.b Protects existing open space	2
2.c Minimizes use of sound walls	2
3. Reduces construction waste	1
4. Solar power generation	1
5. Incorporates Green Building Design concepts	<u>2</u>

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18.78.340	Livable Communities	Maximum Awarded:	10
			<u>Points</u>
			<u>Available</u>
	1. Planning Commission excellence		2
	2. Low maintenance walkways and bike paths		1
	3. Encourages use of public transportation		1
	4. Nearness to public transportation		2
	5. Sidewalk improvements		1
	6. Walking distances to stores, schools, employment		1
	7. Vertical mixed use project		2
	8. Builds to planned densities		3
	9. In-fill projects		<u>2</u>
			15

(Ord. 1731, N.S. § 1, 2005)

18.78.180.B Background.

A. The residential development control system was adopted in response to the need to establish a growth rate in Morgan Hill that is conducive to orderly and controlled residential development. The success of any growth-management system depends upon how well it addresses and exemplifies the goals of the general plan, as well as other adopted city ordinances and documents. Any requirements made by this system shall use existing city plans and policies, as well as exploring innovative means to facilitate its implementation.

B. The residential development control system is a competitive qualifying process intended only to compare projects and allow the highest scoring projects to proceed on in the development process. Developers and city staff should not construe it as a design review or an absolute approval with any entitlement other than the right to file a tentative map or development plan. Changes to the project (1) are encouraged to improve its quality; and (2) may be required for formal project approval.

C. Concerns have been expressed about the Morgan Hill Unified School District (MHUSD) impaction situation and the fact that the rural character associated with the city is being lost to urban development that is outstripping the city's ability to provide adequate services

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and facilities. Also, a disproportionate amount of moderate to expensive single-family homes have been built, as opposed to a balance of housing types at prices to meet the needs of all the segments of the population, including those of low or fixed incomes. It is intended that a response to these concerns will be accomplished in a practicable manner through implementation of the residential development control system, which will concurrently address the preservation of open space and the natural environment. (Ord. 1034 N.S. § 1 (part), 1991)

18.78.182 Rate of growth.

The method by which controlled growth will be accomplished involves building approximately two hundred fifty* new dwelling units annually in order to reach a population not to exceed forty eight thousand people by the year 2020. (Ord. 1677 N.S. § 1, 2004)

*The number of building allotments authorized under the RDCS may be less than two hundred fifty units per year because of other housing which would be exempt from the RDCS (construction of single dwellings, etc.) (Ord. 1677 N.S. § 1, 2004; Ord. 1034 N.S. § 1 (part), 1991)

18.78.184 Procedures.

A. No later than May of each year preceding an allotment evaluation, the planning officer and planning commission will provide recommendations to the city council regarding the total number and distribution of building allotments. The city council will establish the total number of housing units to be awarded and the number of units to be allotted for each type of housing. (Ord. 1731, N.S. § 1, 2005)

B. The planning officer will inform interested developers of the total number of units available and the various types of housing units that will be approved. The planning officer will hold a pre-competition meeting with all persons interested in submitting an application. The planning officer will explain the allotment process and distribute applications. At this meeting developers will be encouraged to indicate the proposed project location, the number of units, and the type of housing. This information will assist the city and developers in providing better competition for the various types of housing units to be built under the RDCS process.

C. In an attempt to further increase the quality of project design, a voluntary preliminary review process shall be implemented. This review process shall have staff priority in the months of June, July, and August whereby responses to these submittals shall be received

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within four weeks from the date of filing. These responses shall include, but not be limited to, the following: (1) Section A evaluation; (2) Section B evaluation, (3) any recommendations for project improvement; (4) any public health, safety and welfare issues; (5) any need for any additional information, plans or studies. (Ord. 1179 N.S. § 1, 1994; Ord. 1034 N.S. § 1 (part), 1991)

18.78.186 Overview.

A. The first section (Section 18.78.200) is concerned with the general ability of the city to provide major public facilities and services to new residential projects without creating additional impactation. This section is weighted heavily, meaning that a proposed project must obtain the minimum required points (seven and a half points) and receive minimum passing scores under certain categories in order to proceed to the next step of the evaluation. (Ord. 1731, N.S. § 1, 2005)

B. The next step, (Section 18.78.210) reflects the quality of the project design and the extent to which it contributes to the welfare of the community. The intent of these criteria is to encourage competition and to promote additional effort which creates innovative designs that satisfy user needs. The standards and criteria in Part 2 of this article are guidelines, and it is important to note that a developer is not precluded from improving upon or augmenting these guidelines, upon approval of the planning officer. Criteria for each category in Part 2 of this article are, therefore, more subjective and, thus, merely points out those items which the developer should consider to maximize his rating.

C. After successful completion of both Parts 1 and 2, the projects which have received at least seven and a half points (7.5) in Part 1 and have been given the most points in Part 2, one hundred sixty points (160) and over, except micro and 100% affordable projects, for which the total score is 150 points and over), with minimum passing scores in certain categories will then be eligible for allotments and subsequent building permits, subject to Section 18.78.120. Those that may not receive any allotment this year will have an opportunity to improve their designs and reapply during the next competition. (Ord. 1731, N.S. § 1, 2005)

D. The procedure for allotting development allotments has been incorporated into this system. The development allotment evaluation encourages all developers to locate and design the best project possible by following standards and criteria for both Sections 18.78.200 and 18.78.210. (Ord. 1034 N.S. § 1 (part), 1991)

18.78.188 Additional information.

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A. Project Size. Council priority is to give priority to partially completed projects. This policy will allow continuity to the allotment process. The portion of the uncompleted project competing in a competition should be equal to or superior in quality to the original project receiving an allocation. Project applications for over one hundred fifty units will be considered based on benefits to the community.

B. Public Notices. The council policy of notifying neighboring properties within three hundred feet of proposed projects is expanded to give a greater number of people notice by means of the utility bill inserts and notice on cable TV.

C. Review of Standards and Criteria. The planning commission shall review the standards and criteria each March, following an RDSC competition, to determine whether any changes or amendments are necessary for the next competition. (Ord. 1731, N.S. § 1, 2005; Ord. 1034 N.S. § 1 (part), 1991)

18.78.190 Evaluation--Standards and criteria.

A. As provided for in Section 18.78.100 A, the planning officer shall review each application and determine whether or not the proposed development conforms to the City's General Plan. In addition, the planning officer shall review each application for conformance with the following: City street, parking and site development standards as set forth in Chapter 17.34 and Title 18 of the Morgan Hill Municipal Code. If the PO determines that a proposed development does not conform to the city codes as cited above, the application shall be rejected. Notice of such rejection shall be given pursuant to Section 18.78.100 A.

B. Within fifteen days after such notice is mailed, the applicant may appeal the decision of the PO to the city council as provided in Section 18.78.100 B. In considering an appeal the city council shall either affirm the decision of the PO to reject the application on the basis of nonconformity with the plans (General Plan and City Codes), or reverse the decision by finding that the proposed development is in conformity with the plans, or permit the applicant to modify his proposed development to bring it into conformity with the plans.

C. Proposed developments found by the PO or city council to conform to the General Plan shall be evaluated by the PO and awarded points as hereinafter set forth. The planning commission shall establish a specific set of standards and criteria to direct the PO in assigning points under each category in Parts 1 and 2 of this article. The PO shall submit his evaluation to the

planning commission and the commission shall approve, disapprove or modify the PO's evaluation by simple majority vote. (Ord. 1179 N.S. § 2, 1994; Ord. 1034 N.S. § 1 (part), 1991)

Part 1. Point System

18.78.200 Rating system for proposed developments.

Each proposed development shall be examined for its relation to and impact upon local public facilities and services. The appropriate city department or outside public agencies shall provide recommendations to the PO, and the PO shall rate each development by assigning from zero to two points for each of the following:

- A. 1. The ability and capacity of the water system to provide for the needs of the proposed development without system extensions beyond those which the developer will consent to provide.” (Comments of the director of public works.)
- 2. Each subdivision application shall be reviewed by the director of public works for determination of the ability and capacity of the water system to provide for the needs of the proposed development.

2 Points. The existing water system and improvements that upgrade water service and fire protection in the general neighborhood such as gridding, well, or booster pump, are provided as determined by the director of public works.

1 or 1.5 Points. The existing water system has adequate capacity to serve the development and improvements would tie into existing water mains without gridding or

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otherwise providing upgrades to the existing water system.

0 Points. The existing water system and improvements necessary for water service or fire protection will tax the existing system beyond the city's ability to provide adequate service.

B. 1. "The ability and capacity of the sanitary sewer distribution and treatment plant facilities to dispose of the waste of the proposed development without system extensions beyond those which the developer will consent to provide." (Comments from the director of public works.)

2. Each subdivision application shall be reviewed by the director of public works for determination of the ability and capacity of the sanitary sewer distribution and treatment plant facilities to dispose of the waste generated by the proposed development.

2 Points. Existing sewer lines and treatment plant have sufficient capacity to serve the project.

1 or 1.5 Points. Extension of existing sewer lines directly from the project, and the sanitary waste generated by the project which taxes the existing line capacity is mitigated as determined by the director of public works, and there is sufficient capacity in the treatment plant.

0 Points. The proposed development would adversely impact the existing line capacity or treatment plant, or the existing line capacity is insufficient to handle the waste generated by the proposed project (or in any way fails to meet the standards for one or two points).

C. 1. "The ability and capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development without system extensions beyond those which the developer will consent to provide." (Comments from the Santa Clara Valley Water District and the director of public works.)

2. Each subdivision application shall be reviewed by the director of public works and Santa Clara Valley Water District for determination of the ability and capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development.

2 Points. Local drainage generated by the project is capable of draining into existing storm drainage facility, or permanent public improvements to carry the runoff into a receiving drainage way which has sufficient capacity is provided.

1 or 1.5 Points. Local drainage generated by the project is mitigated by use of private on-site detention with higher value given for permanence, quality and guaranteed maintenance.

0 Points. Local drainage generated by the project is not capable of draining into the existing permanent storm drainage facility (or in any way fails to meet the standard two points).

D. 1. "The ability of the city-designated fire department to provide fire protection

according to the established response standards of the city without the necessity of establishing a new station or requiring addition of major equipment or personnel to an existing station, and the ability of the police department to provide adequate patrols for residential and traffic safety without the necessity of acquiring new equipment or personnel." (Comments from the fire and police departments.) (Ord. 1677 N.S. § 1, 2004; Ord. 1034 N.S. § 1 (part), 1991)

2. Each subdivision application shall be reviewed by the fire and police departments for the determination of the ability of the fire department to provide fire protection according to the established response standards and the ability of the police department to provide adequate patrols for residential and traffic safety. Proposed developments must be assigned a minimum of one point in this category to qualify under Part 1 of the evaluation.

1.5 Points. Fire protection response times are within the established response standards of the city from at least two fire stations.

1 Point. Fire protection response times are within the established response standards of the city from at least one fire station and no more than 15% in excess of the response time standard from a second station.

.5 Points. Fire protection response times are within the established response standards of the city from at least one fire station.

0 Points. The project cannot be served by the existing fire personnel without requiring additional stations, equipment or personnel (or in any way fails to meet the standard for a .5 point total above)

.5 Points. The project adjoins existing developed land with proper road access for maximum efficiency of police patrols.

NOTE: For scoring purposes, the city Fire Department or contract agency, shall publish on July 1 of each competition year, a map showing the area which can be serviced within the established fire response time standard from the California Division of Forestry facility located on Monterey Road at Watsonville Road.

E. 1. "The ability and capacity of major street linkage to provide for the needs of the proposed development without substantially altering the existing street system (the desired target traffic level being no worse than "D+" level of service as defined in the 1985 Transportation Research Board Report # 209), except as otherwise allowed in the General Plan, and the availability of other public facilities (such as parks, playgrounds, etc.) to meet the additional

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demands for vital public services without extension of services beyond those provided by the developer." (Comments from the appropriate department heads.)

2. Each subdivision application shall be reviewed by the director of public works and parks and recreation director for determination of the ability and capability of major street linkage to provide for needs of proposed development and of the availability of other public facilities, such as parks and playgrounds, to meet the additional demands. Proposed developments must be assigned a minimum of one point in this category to qualify under Part 1 of the evaluation.

2 Points. The project can be served by the existing parks and street systems, and the completion of the project will not overload any local, collector or arterial street in the immediate area.

1 or 1.5 Points. The project can be served by the existing parks and street systems as defined above, and if there are public off-site improvements, they are relatively minor and the project will not contribute to the need for major street improvements.

0 Points. Compliance to Chapter 17.28 of this code. The project cannot be served by the existing street system, and will contribute to the need for major off-site public improvements (or in any way fails to meet the standard for one or two points).

NOTE: Development may be evaluated on an individual basis on its ability to provide private recreational service for its residents that complement city services, i.e., trails, private open space, association facilities, etc. All proposed trails, private open space and associated facilities should be permanently secured with appropriate documentation at the time of development. (i.e., deeds, easements, C.C.& Rs., dedication, homeowners associations, etc.). Land that is set aside for the above mentioned items as a nonpermanent use, could dedicate all future development rights to the city. This procedure is to allow neighborhood control over land that may not be needed in the future (i.e., storm water retention areas). (Ord. 1677 N.S. § 1, 2004; Ord 1323 N.S. §§ 36 and 37, 1997; Ord. 1228 N.S. § 1, 1995; Ord. 1179 N.S. §§ 3 & 4, 1994; Ord. 1034 N.S. § 1 (part), 1991)

Part 2. Specific Standards and Criteria

18.78.210 Schools.

A. “The provision of school facilities and amenities as attested by agreement with the Morgan Hill Unified School District (MHUSD) to the extent such consideration is not in conflict with state law.

..... **(25 points)”**

B. Standard and Criteria:

1. **Sixteen points** will be awarded for the payment of the district-adopted developer fees as provided by the Leroy F. Greene School Facilities Act of 1998. Full market value credit will be applied to a direct payment to the School District, for donated land, construction, or other services provided by a developer or project property owner that relate to provision of school facilities. (Ord. 1731, N.S. § 1, 2005)

2. Up to **six additional points** may be awarded to a project where:

At the time of application submittal or applicant commits as part of the first year of the first phase of the current application, a safe walking route exists or will be provided between the project site and existing or planned MHUSD schools. A safe route is defined as continuous sidewalks and/or paved pedestrian pathways, cross walks and caution signals at designated street

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intersections between the project and a school site.

The distance to a school is measured as the lineal distance a student would walk, from the average center point of housing in a project to the nearest entrance point of the nearest school grounds.

- a. The project is within 3/4 of a mile of a school serving grades K through 3 and:
 - i. The students are not required to cross railroad tracks, or a street that currently functions (based on peak hour level of service as determined by the Public Works Department) as a collector or arterial. **(half point)**
 - ii. The students are not required to cross railroad tracks, or a street that is designated within the General Plan as a collector or arterial. **(half point)**
- b. The project is within 3/4 of a mile of a school serving grades 4 through 6 and:
 - i. The students are not required to cross railroad tracks, or a street that currently functions (based on peak hour level of service as determined by the Public Works Department) as an arterial. **(half point)**
 - ii. The students are not required to cross railroad tracks, or a street that is designated within the General Plan as an arterial. **(one point)**
- c. The project is within 1.5 miles of a middle/intermediate school and :
 - i. The students are not required to cross railroad tracks, or a street that currently functions (based on peak hour level of service as determined by the Public Works Department) as an arterial unless the most direct street crossing can occur at a signalized intersection. **(half point)**
 - ii. The students are not required to cross railroad tracks, or a street that is designated within the General Plan as an arterial unless the most direct street crossing can occur at a signalized intersection. **(one point)**
- d. The project is within 1.5 miles of Live Oak or Sobrato high school. **(two points)**
- e. Proposed development will be for senior citizens as defined in Section 51.2 of the State Civil Code. **(six points)**

NOTE: For scoring purposes, the anticipated attendance area for an existing or planned school shall be as determined by the Board of Education and published by the School District as of September 15 of the fiscal year for each competition. A planned school is defined as a site designated by the School Board for a future school prior to September 30 of the fiscal year the competition is held. Scoring for a multi-year/phased development includes recognition of all pedestrian safety or traffic improvements provided in the initial or previous phases of the development. (Ord. 1731, N.S. § 1,

2005)

3. Up to **four additional points** may be awarded to a project which:

a. Provides off-site pedestrian safety improvements or traffic safety improvements near a MHUSD school. Any proposed pedestrian and traffic safety improvements cannot be redundant of improvements committed to in other categories. The cost of the improvements must be valued at \$ 1100 per point per unit. The pedestrian improvements and traffic safety improvements must be made to an elementary school within 3/4 of a mile (straight line distance) of the edge of project site or the same improvements can be made to a middle or high school within the City's Urban Service Area. **(up to three points)**

Note: The public improvements offered under the above section must be separate from the public improvements offered under Section B.2.f of the Public Facilities Category, Section B.3 of the Circulation Efficiency Category or B.5 of the Livable Communities Category. (Ord. 1731, N.S. § 1, 2005)

For safe walking route improvements, applicants must also provide a letter from each intervening property owner stating agreement to dedicate the required street right-of-way for the sidewalk or pathway improvements between the project site and the designated school. Improvements to establish a safe walking route must be completed prior to completion of the 20th unit in the development or completion of the project, whichever occurs first. (Ord. 1731, N.S. § 1, 2005)

b. The project is located within a Community Facilities (Mello-Roos) District established by the Morgan Hill Unified School District to finance new school facilities. The proposed project phase(s) will only receive points in this category if their Mello-Roos payment exceeds by \$ 1100 or more per dwelling unit the Leroy F. Greene School Facilities Act (state-mandated) fees in effect on December 1st of the fiscal year of the competition. One point will be awarded for each \$ 1100 per dwelling unit the proposed project's average dwelling unit school fees costs exceeds the state-mandated per dwelling unit fees. **(up to three points)**

4. Provides an on-site community room that is specifically designed for and can be used for after school educational programs such as homework tutoring, music lessons, etc., and is available for use at no cost to the Morgan Hill Unified School District. **(two points)** (Ord. 1731, N.S. § 1, 2005)

Note: Full market value credit will be applied to a direct payment to the School District, for

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donated land, construction, or other services provided by a developer or project property owner that relate to provision of school facilities. (Ord. 1731, N.S. § 1, 2005); Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. § 1, 2002; Ord. 1517 N.S. § 1, 2001; Ord. 1486 N.S. §§ 1 & 2, 2000; Ord. 1404 N.S. § 1, 1998; Ord. 1346 N.S. § 1, 1997; Ord. 1304 N.S. §§ 1 & 2, 1996; Ord. 1228 N.S. § 2, 1995; Ord. 1179 N.S. §§ 5 & 6, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.220 Open space.

A. "The provisions of public and/or private usable open space, and where applicable, greenbelts.

..... **(20 points)"**

1. The provisions of open space is desirable for the physical and mental well-being of the city residents, as well as preserving a rural atmosphere and invoking a positive reaction to the environment. These open spaces can then be used for both passive and active recreation for all age groups, while also preserving the environment for present and future generations to enjoy.

B. Standards and Criteria.

1. Open space areas are provided or maintained within the proposed development.

a. Provides open space buffer areas adjacent to freeway or arterial streets, measuring five feet in depth in excess of the zoning code requirements for **one point**, 10 feet in excess of the code for **two points**. **(up to two points);**

b. Public or private common useable open space is encouraged where neighborhood homeowners associations or other acceptable private maintenance entity can be used to coordinate their use and maintenance **(three points);**

c. Provides convenient access to public or private parks internal to the project where appropriate through the use of bicycle and pedestrian pathways. Bicycle and pedestrian pathways shall be located in areas no less than 20 ft. wide, with an average width of 30 ft. (for the entire length of the path). The pathway provided shall be paved or other suitable durable surface and a minimum of 7 ft. in width. The proposed pathway(s) cannot be redundant of public sidewalks. **(one point)**

d. Provides accessibility to existing or proposed public parks and open space areas outside the project boundary and encourages multiple uses and fee dedication of open space areas adjacent to flood control right of ways and recharge facilities. Points will only be awarded where the relevant public agency has provided written approval to allow access between the project and the aforementioned facilities. The access provided cannot be redundant of the public sidewalk. **(one point).**

Note: Requires public agency ownership or agreement to accept dedication of the land by the public agency.

e. Historical sites and landmarks on or adjacent to the project site are maintained in as natural state as possible with limited supportive development such as parking facilities,

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fencing, signing, etc. **(up to two points)**

2. Provides a high ratio of total open space area. **(A maximum of eleven points will be assigned under subsection a. of this criterion)** (Ord. 1731, N.S. § 1, 2005)

a.	<u>Building Coverage (%)</u>	<u>Points</u>
	55 - < 60	1
	50 - < 55	2
	45 - < 50	3
	40 - < 45	4
	35 - < 40	5
	30 - < 35	6
	25 - < 30	7
	20 - < 25	8
	15 - < 20	9
	10 - < 15	10
	0 - < 10	11

b. Building coverage for vertical mixed use projects, projects in the CC-R district or projects zoned R-4 or similar high density zoning classification will be calculated as follows: **(A maximum of nine points will be assigned under subsection b. of this criterion.)** (Ord. 1731, N.S. § 1, 2005)

	<u>Building Coverage (%)</u>	<u>Points</u>
	70 - <75	5
	65 - <70	6
	60 - <65	7
	55 - < 60	8
	< 55	9

Building coverage is defined as that portion of the overall project master plan, exclusive of driveways and streets, which is covered by a building, parking lot or carport.

3. Downtown vertical mixed use projects will be awarded up to six points for a commitment to contribute toward a shared open space amenity such as a park or downtown plaza.

a. In addition to the points available under Subsection B.4 below, a vertical mixed use

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project will be awarded three points for payment of a downtown open space amenity fee. The amount of the fee shall be equal to the most recent adjusted open space fee (see Note 1 below). Eligible projects that elect to pay double the fee will be awarded **six points**. (Ord. 1731, N.S. § 1, 2005)

4. There is a maximum of **six points** available in this category.
 - a. The project will receive **three points** for a commitment to purchase transferable development credits (TDCs) from property owners with land of greater than twenty percent slope. (Based upon the cumulative project to date ratio of one TDC for every twenty-five dwelling units proposed.)
 - b. Projects of 24 units or less which do not provide a common area park or open space will receive **six points** for a commitment to purchase double TDC's.
 - c. Projects zoned R-2, R-3, or similar higher density classification will receive **six points** for a commitment to purchase double TDC's.

Note 1: In lieu of the TDC commitment, projects of 24 units or less, Downtown Area projects and affordable project developments will be awarded **three points** for payment of an open space fee at the rate of \$36,880 per TDC, or projects that elect to pay double the open space fee will be awarded **six points**. The amount of the open space fee shall be based on the average cost per dwelling unit for an equivalent TDC commitment as specified above. The open space fee shall be adjusted annually in accordance with the annual percentage increase or decrease in the median price of a single-family detached home in Santa Clara County. The base year from which the annual percentage change is determined shall be January 1, 2005. The base year may be adjusted by City Council Resolution prior to the filing deadline for each competition year. (Ord. 1731, N.S. § 1, 2005)

Note 2: Projects containing both single and multi-family zoning will be granted a proportional share of points for commitments to a. & c. above. Points will be granted based on a percentage of units within the various zoning districts within the entire overall project. For example, a project of 50 percent R-2 and 50 percent R-1 would receive 50 percent of the 6 points available under 3c. and 50 percent of the 3 points available for the single-family TDC commitment under 3a. for a total of 4.5 points (rounding will occur to the nearest half point). (Ord. 1731, N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. §§ 2 & 3, 2002; Ord. 1517 N.S. §§ 2 & 3, 2001; Ord. 1486 N.S. §§ 3 & 4, 2000; Ord. 1438 N.S. § 1, 1999; Ord. 1404 N.S. § 2, 1998; Ord. 1346 N.S. § 2, 1997; Ord. 1228 N.S. § 3, 1995; Ord. 1179 N.S. § 7, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.230 Orderly and contiguous development.

A. "The extent to which the proposed development accomplishes the orderly and continuous extension of existing development rather than "leapfrog" development, by using land contiguous to urban development within the city limits or near the central core and by the filling in on existing utility lines rather than extending utility collectors.

..... **(20 points)"**

For scoring purposes, "the central core" is the area illustrated on the Central Core Map, attached as Exhibit B and described generally as that area bounded on the west by Del Monte Avenue from Wright Avenue to Ciolino Avenue and by West Little Llagas Creek from Ciolino Avenue to Cosmo Avenue; on the east by the rail road tracks from the easterly prolongation of Wright Avenue to Main Avenue, by Butterfield Boulevard from Main Avenue to Dunne Avenue, and by Church Street from Dunne Avenue to the easterly prolongation of Cosmo Avenue; on the north by Wright Avenue and its easterly prolongation to Church Street.

1. A well-planned community is one which provides for the needs of its residents. Convenience, economy, and service are aspects which an orderly and contiguous development pattern can help facilitate.

B. Standards and Criteria.

1. Develops lands near the central core of the city as defined by Exhibit "B" to Measure "C" approved by the voters on March 2, 2004. There is a benefit for development to be within the central core area. However, it is recognized that the city does not have a well defined central core. Therefore, greater emphasis is to be given to contiguous patterns of growth. Projects within the core area will receive eight points. Projects located outside the core area will receive from **zero to seven points** depending on their relationship to the core area as shown below:

- a. Within central core, **8 points**,
- b. Within six hundred feet of the central core area, **7.5 points**;
- c. Within one thousand two hundred feet of the central core area, **7 points**;
- d. Within one thousand eight hundred feet of the central core area, **6.5 points**;
- e. Within two thousand four hundred feet of the central core area, **6 points**;
- f. Within three thousand feet of the central core area, **5.5 points**;
- g. Within three thousand six hundred feet of the central core area, **5 points**;

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- h. Within four thousand two hundred feet of the central core area, **4.5 points**;
- i. Within four thousand eight hundred feet of the central core area, **4 points**;
- j. Within five thousand four hundred feet of the central core area, **3.5 points**;
- k. Within six thousand feet of the central core area, **3 points**;
- l. Within six thousand six hundred feet of the central core area, **2.5 points**;
- m. Within seven thousand two hundred feet of the central core area, **2 points**;
- n. Within seven thousand eight hundred feet of the central core area, **1.5 points**;
- o. Within eight thousand four hundred feet of the central core area, **1 point**;
- p. Within nine thousand feet of the central core area, **½ point**;
- q. More than nine thousand feet from central core area, **zero points**.

Note: If any portion of a project is within the central core, as defined by the PO, that project shall be considered within the central core area. The distance from the central core shall be measured using the minimum distance between any portion of a parcel and the central core boundary measured in a straight line.

2. Fills in existing utility lines (requires no off-site extensions) and provides a contiguous pattern of growth. If water is available at the site and the water main is of sufficient capacity and supply to serve the proposed project and future development, the project will receive **one point**. If sewer is available to the site and the sewer main has sufficient capacity to serve the proposed project and future development, the project will receive **two points**. If storm drains are of sufficient capacity to serve the project and are available to the site, the project will receive **one point**. If the project is located within the established response time standard of one fire station, the project will receive **one point**. If the project is located within the established response time standard of two or more fire stations, the project will receive **one additional point**.

3. A proposed development located within the existing urban service area which provides for orderly growth and urban in-fill is preferable and helps prevent premature urbanization of agricultural land. Projects that provide for orderly growth patterns throughout residential neighborhoods and compatibility with adjacent and nearby land uses are preferable. Projects that are located adjacent to land that has been developed or approved for development

shall be scored as follows:

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- a. > 0 -- 20% Adjacent to existing development, **one point**
- b. >20 -- 40% Adjacent to existing development, **two points**
- c. >40 -- 60% Adjacent to existing development, **three points**
- d. >60 -- 80% Adjacent to existing development, **four points**
- e. >80 -- 100% Adjacent to existing development, **five points**

Adjacent development is defined as contiguous property located within MH's city limits, urban service area, or urban growth boundary (UGB) and which is developed to its ultimate potential according to the city's General Plan or zoning of the property, or at least substantially developed according to the General Plan or zoning. To be considered substantially developed, at least ninety-five percent of the contiguous land area must be committed or developed to its ultimate use. Contiguous property does not include streets, railroad rights-of-way, or parcels held in fee title by a public utility or public agency containing above or below ground utilities such as gas pipelines, electric power transmission lines, or major water distribution pipelines.

County lands dedicated as a public facility or encumbered with an open space easement, or contiguous property within MH's UGB committed to an ultimate land use such as a city park, developed school site, or private open space will also be considered as adjacent development. Open space lands which are owned in private must have a public open space easement recorded over the corresponding area. For scoring purposes, undeveloped property which by September 15th of the fiscal year the competition is held has received either final map approval, or tentative map and development agreement approval for projects with previously completed phase(s), or for which building permits have been issued, shall be considered to be developed property. The perimeter established for the complete (master-planned) project will be used to determine adjacency for every RDCS submittal. Where previously allocated phases of the same project have been developed or have received final map approval and are immediately adjacent to an otherwise undeveloped external boundary, that portion of the project's perimeter shall then be considered developed, provided the project is making satisfactory progress according to the approved development schedule (project is not in default). (Ord. 1731, N.S. § 1, 2005)

The percentage of a property that is adjacent to development shall be that percentage of the combined length of the subject property lines which is determined to be contiguous to adjacent development as defined in this subsection. The subject property is defined as a single

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parcel or contiguous parcels of record on which the proposed project would be located and shall include that portion of the subject property designated for future development. A designated remainder parcel shall not be considered a portion of the subject property except where development on all or a portion of the remainder parcel is proposed as part of the current project application.

4. A proposed development which is a subsequent phase of a previously approved project that has been awarded allotments provides for the continuous extension of existing development.

a. A proposed development which is a subsequent or final phase of a previously allocated development and consists of 40 dwelling units or less shall be awarded one point. **(one point)** (Ord. 1731, N.S. § 1, 2005)

b. A continuing project will receive **two points** if one half of the units allocated for the fiscal year the competition is held have been issued building permits and on-site improvements for those units have been completed by September 15, AND all prior phases are under construction or completed (excluding customs). **(two points)** (Ord. 1731, N.S. § 1, 2005)

OR

If a proposed development is a continuing project and does not have any allocations for the FY the competition is held, the project will receive **two points** if all previous phases (if any) are under construction. (Ord. 1731, N.S. § 1, 2005)

Note: To qualify for any points under paragraph B4, the proposed development at total build-out, shall not exceed the number of units proposed in the original Development Application from which the project had been awarded an initial building allotment, unless approved by the Planning Commission prior to the competition's application submission deadline. The number of units requested for each subsequent fiscal year shall be no more than 25% above any single highest year allotment for the proposed project to a maximum of 40 units. The 25% or 40-unit limit includes any units already allocated to the project in that fiscal year as a result of a prior fiscal year competition. For Subsection B4a and B4b above, all prior allotments must also have an approved development agreement and the project must be in compliance with said agreement. (Ord. 1731, N.S. § 1, 2005)

5. Project Master Plan design is above average in terms of addressing internal street circulation and access requirements, appropriate transition of lot size and density within the development and with surrounding developments, and aggregation and use of common open space areas. **(minus one point, zero or one point)**

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Note: Project Master Plan determined to be only satisfactory with respect to the above items will be awarded zero points. Project Master Plan determined to be of a poor design will receive minus one point under this criterion. A project will be awarded one point if no significant design flaws can be found, and the design gives strong consideration to the issues of circulation, access, density transitions, and the use of common open space. If a project master plan has two or more significant design flaws, it will be considered below average and one point will be taken away. A design flaw would be something that, at the subdivision stage, staff would ask to be modified or not recommend for Planning Commission approval. Significant design flaws would basically require the redesign of the master plan. For scoring purposes, that portion of an on-going project awarded a building allotment prior to October 1, 1999, shall not be considered within the Project Master Plan design, except where the inclusion of the earlier allocated phase(s) would result in a higher overall score. (Ord. 1731, N.S. § 1, 2005); Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. § 4, 2002; Ord. 1517 N.S. § 4, 2001; Ord. 1486 N.S. §§ 5 & 6, 2000; Ord. 1438 N.S. §§ 2 & 3, 1999; Ord. 1404 N.S. § 5, 1998; Ord. 1346 N.S. §§ 3 & 4, 1997; Ord. 1228 N.S. § 4, 1995; Ord. 1179 N. S. § 8, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.240 Public facilities.

A. "The provision of needed public facilities such as critical linkages in the major street system, or other vital public facilities.

..... **(10 points)"**

1. The public facilities which serve the Morgan Hill area can benefit by discriminate development which improves the existing systems. Many areas exist where improvements to the systems are needed. A proposed project should help alleviate the problem rather than aggravate it.

B. Standards and Criteria. **(Maximum ten points)**

1. A micro, small vertical mixed-use, or affordable project will receive **(three points)** if it meets all standard requirements for design and construction of public facilities. (Ord. 1731, N.S. § 1, 2005)

2. Installs public facilities of sufficient size to service the proposed development and future developments without the need to install supplemental facilities.

a. Grids water mains into the existing water system. **(two points)**

b. Drainage concept is consistent with the City's storm drain system. (e.g., the city's storm drain master plan, local area storm drain system). **(one point)**

c. Storm drain lines that are to be maintained by the city will be constructed entirely within the paved area of the street (curb to curb), or in a location acceptable to the Director of Public Works. **(one point)**

d. Storm drainage from the development is accommodated without the need for an on-site detention pond or open space retention areas, unless the on-site detention facility is appropriately located and sized so as to serve or coordinate with future area-wide or adjacent development. **(up to two points)**

Note 1. Applicants providing an oversized pond must supply information specifying how the pond sizing will address the area need and how other projects will be connected to the detention pond. The extra capacity provided must be stated in terms of the land area it can serve in acres and cubic feet. When the detention pond is not connected to other projects, the applicant must provide data satisfactory to the City's Public Works Department demonstrating the

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detention pond's benefit to other off-site projects. This shall be in the form of an agreement letter included the application submittal. **Over sizing must equal 50 percent of the project drainage area or 10 acres, whichever is greater, to receive maximum points.**

Note 2. Applicants who use a regional detention facility, a detention pond from another development, or a Santa Clara Valley Water District facility must supply an authorization/approval letter with their application.

e. Applicant will contribute \$ 1100 per unit to the Local Drainage Non-AB1600 fund for off-site storm drainage improvements, in addition to payment of standard fees. **YES __, or NO __** (Contingent commitments will not receive points) **(one point)**

f. Provides public facility or pedestrian improvements from a City-approved list or improvements on or adjacent to the project in excess of standard requirements, e.g., sewer, traffic control. In the Downtown Area, these improvements can include pedestrian amenities such as lighting, planters that function as seating, seating and railings to lean on, refuse and recycling bins, public art and gateway features, consistent with the Downtown Plan. **(maximum four points)** (Ord. 1731, N.S. § 1, 2005)

Note: Under this criterion, the applicant needs to explain how and why the offered public improvements exceeds the city standards. Furthermore, the cost of the offered public improvements and dedication shall be equal to or greater than \$ 1100 per unit per point. Should the offered dedication and improvements be redundant to those offered under Section B.3 of the Circulation Efficiency (CE) category, the value of the redundant improvements will be reduced by \$ 1100 per unit per point for each point awarded under Section B.3 in the CE category. For example, if redundant improvements are valued at \$ 3300 per unit here, and 2 points were awarded for them in CE, then only 1 point would be awarded for them here. The improvements offered here and in the CE category also cannot be redundant of those improvements offered in Section B.3.a of the Schools category or B.5 of the Livable Communities Category. (Ord. 1731, N.S. § 1, 2005)

Emphasis will be placed on improvements on or adjacent to the project but consideration will also be given to projects that provide improvements within one mile beyond their project boundaries. **(one - four points)**

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g. Applicant will contribute \$ 1100 per unit to the Public Facilities Non-AB1600 fund.
YES __, or NO __ (Contingent commitments will not receive point) **(one point)**

Note: Proposed developments must be assigned a minimum passing score of five points under this category in order to qualify for building allotments.

Scoring for a multi-year/phased developments includes recognition all public facility improvements committed to be installed in the initial or previous phases of development (project completed to date vis-à-vis improvements completed to date). The initial or previous phase of development must also be in compliance with the development schedule approved for the project. (Ord. 1731, N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1228 N.S. § 5, 1995; Ord. 1179 N.S. § 9, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1049 N.S. § 1, 1991; Ord. 1034 N.S. § 1 (part), 1991)

18.78.250 Parks and paths.

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A. "Provision of parks, foot or bicycle paths, equestrian trails or pathways.

..... (10 points)"

1. The Morgan Hill area has many natural amenities that should be made accessible to its residents. Access should be made readily available by using a variety of methods, including foot and bicycle paths, and equestrian trails. By providing the opportunities to experience the areas natural amenities, a healthier attitude towards caring for and preserving the environment will be encouraged.

B. Standards and Criteria.

1. In lieu of dedicating land, projects of 24 units or less which are not providing parks are required to pay a fee to the city equal to the value of the land prescribed for dedication. The amount of park land dedication or in lieu fee must be consistent with the requirements contained in Chapter 17.28 of this code. For the land dedication to apply, the property must be deeded to the City for public park purposes. Not applicable to passive open space or landscape buffer areas deeded to a homeowners association. **(four points** for projects of 24 units or less which are not providing parks) (Ord. 1731, N.S. § 1, 2005)

2. Provides privately owned and maintained on-site recreational amenities which are of greater value and utility from the following list. Projects of 15-24 units may select from any category of amenities to count toward the score. Projects of 25-49 units will receive credit for a maximum of one amenity from the one point category list. To achieve maximum points, projects of 25-49 units must select additional amenities from either the two, three, or four point amenity categories. Projects of 50 units or more will only receive credit for amenities provided from the two point or higher point category lists.**(up to four points)**

Site Recreation Amenities

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<p><u>One point amenities:</u> Shuffleboard Horseshoes Bowling green Open space turf areas Cabana or Shade trellis area Passive recreation area and/or gardens Passive water feature (e.g. fountain) Picnic/barbeque area</p>	<p><u>Three point amenities:</u> Softball Field Sports Court Restroom area ½ scale Soccer Field Tot lots (age appropriate play equipment/minimum 3 activities) Basketball Court (2 hoops) Child wading pool</p>
<p><u>Two point amenities:</u> Volleyball court Outdoor racquetball/handball tilt-up wall Water feature (pond, creek area) Sauna Tree Grove as approved by the City's Architectural Review Board Community garden plots with water service ½ court basketball (one hoop) Bridle paths Bocce Ball Putting Green</p>	<p><u>Four point amenities:</u> Child Care Facility Swimming Pool Tennis Court Recreation Hall Exercise Room Indoor racquet sports court Par 3 course and/or pitch and putt golf course</p>

Points will also be awarded for any proposed amenity found by the Planning Commission to provide recreation or meet the needs of the project residents to a level similar to provided by the above. Point values in the above chart are based on a 50-unit project. For projects of 51 to 100 units, divide the above values by two. For projects of 101 - 150, divide the above point values by three, etc.

3. Provides Class I bicycle pathways or equestrian trails along the project frontage in accordance with the overall community-wide and/or county-wide bicycle master plans. In areas where a Class I bike path is not required, the project provides necessary street improvements and striping for Class II bike lanes. The project must provide at least one quarter mile of Class II bike lane improvements for each 10 dwelling units within the project. **(one point)**

4. Projects located in the Downtown Area may be awarded up to three points based on

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the following criteria:

a. The project provides mid block pedestrian connections through large buildings that provide access to public or private open space areas and plazas. For the criterion to apply, the pedestrian connection must be continuous and unrestricted. **(one point)**

b. The main project entries are oriented directly to the public streets to encourage connections through the existing network of sidewalks. **(one point)**

c. The project closes gaps in the pedestrian and bicycle network through replacement or extension of sidewalks, pathways or bike lanes beyond the project frontage. **(one point)** (Ord. 1731 N.S. § 1, 2005)

5. Proposed project will contribute toward the creation of a neighborhood park by providing a coordinated development plan which locates on-site parks and other permanent open space areas so as to allow expansion of these areas into adjoining future developments. A conceptual plan showing how the future park expansion may be implemented must be included in the project application. The conceptual plan shall identify the park area, list the number of amenities and show the layout of the amenities in the proposed park. Where necessary or appropriate, the plan should also allow these areas to be jointly utilized for storm water detention serving the proposed project and future area-wide development. **(two points)**

6. In addition to payment of standard park fees, applicant will pay the lesser of double the required in lieu park fees or \$ 1100 per point up to \$ 3300 per unit. **(up to three points) or**

7. Applicant (projects of 24 units or less who do not provide a park) will pay the lesser of triple the required in lieu park fees or \$ 1100 per point up to \$ 6600 per unit. **(up to six points)**

8. Public or private parks provided by the project exceed the dedicated land requirements stated in Chapter 17.28 of the Morgan Hill Municipal Code. **(one point** if exceed the requirement by 20%, **two points** if exceed by 30%, or **three points** if exceed by 40%, or **four points** if exceeds by 50%).

Note: The number of recreational amenities required pursuant to Section 18.18.060 shall be based on the total number of dwelling units within the project, including secondary dwelling units as defined in Section 18.04.164 of this title.

Scoring for a multi-year/phased development includes recognition all recreational amenities provided in the initial or previous phases of development (amenities provided to date vis-à-vis

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project completed to date). The initial phase of development must also be in compliance with the development schedule approved for the project. (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. § 8, 2002; Ord. 1517 N.S. §§ 6, 7 & 8, 2001; Ord. 1486 N.S. §§ 7 & 8, 2000; Ord. 1438 N.S. §§ 5 & 6, 1999; Ord 1404 N.S. § 6, 1998; Ord. 1346 N.S. § 6, 1997; Ord. 1228 N.S. § 6, 1995; Ord. 1179 N.S. § 10, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.260 Housing needs.

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A. "Provision of units to meet the city's need for low and moderate income and elderly housing and the extent to which such provision meets the goals of the housing element of the general plan, including the distribution of housing types to provide neighborhoods of ethnic and economic diversity.

..... (15 points)"

1. The city has an obligation to provide adequate housing for all segments of the population in a variety of lot sizes and dwelling types. It must do this in a fashion which creates diversified neighborhood environments and income groups, avoiding concentrations of any single income group in one particular residential neighborhood. A neighborhood mix of ethnic and economic diversity, as required by the housing element of the general plan will therefore be encouraged.

B. Standards and Criteria.

1. Provides affordable housing units for households ranging from very low to moderate income. Most units sold or rented at below market rates will receive increased density.

2. The project provides an additional 10 percent of its units as moderate rate homes.

These units would not participate in the City's BMR program but would be in addition to the project's BMR commitment. The final sales price (at close of escrow) for the units will be based on HUD income limits for a family of 4 at the closing date. This criterion does not apply to projects awarded points under criterion B.4.b below. **(two points)** (Ord. 1731 N.S. § 1, 2005

3. The project will receive **six points** if it chooses to pay the standard housing mitigation fee computed at ten percent of the total project.

4. **Affordable Units For Sale:**

a. Projects are eligible to receive points in this category based on the percent and level of affordability of below market rate units built within the project. When in the process of determining the number of below market rate units required, there occurs a fraction of a unit, any fraction less than .5 shall be paid as a corresponding fraction or percentage of the per unit cost of the standard housing mitigation fee. In phased developments, developer may carry the fractional share forward into succeeding phases until the fraction reaches .5 or higher. Any fraction of .5 or greater shall be deemed a requirement for one additional below market rate unit. The developer however, may continue to carry the partial credit forward into the next phase(s) of the overall development. Refer to the following charts to compute points. (Ord. 1731 N.S. § 1,

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P o I n t s	10% or Greater BMR Commitment		5% BMR Commitment		Allowable Density Bonus
	Percentage of BMR units	Percentage of BMR units	Percentage of BMR units	Percentage of BMR units	
	LOW	MEDIAN	LOW	MEDIAN	
15*					
13	5	8			15%
12	8	3			12%
12	10				10%

* Applicable to 100 percent affordable deed restricted projects. (Ord. 1731 N.S. § 1, 2005)

For projects that commit to provide a 5% low and 8% median income affordable commitment, in the final phase, where the fractional share of the low and median income units combine to equal .5 or above, the project shall be required to provide one additional median income unit as fulfillment of the project's overall affordable housing commitment. (Ord. 1731 N.S. § 1, 2005)

Affordable Units For Rent:

Applicable to 100 percent rental or non-profit agency sponsored project

P o I n t s	10% BMR Commitment		5% BMR Commitment		Allowable Density Bonus
	Percentage of BMR units	Percentage of BMR units	Percentage of BMR units	Percentage of BMR units	
	VERY LOW	LOW	VERY LOW	LOW	
15	10	0			10%
11	5	5			7%
7	0	10	5	0	4%

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b. In lieu of BMR commitment, a Downtown Area project may be awarded points for overall housing affordability as follow:

- i. 100% of the units are affordable to less than moderate income households **(8 points), OR**
- ii. 75% of the units are affordable to less than moderate income households and 25% of the units are affordable to less than median income households. **(10 points)** (Ord. 1731 N.S. § 1, 2005)

5. A project may also be awarded 13 points if at least 10 percent of the dwellings are affordable at below market rates and the BMR units are constructed in a joint venture with a non profit builder. The following criteria shall apply to the joint venture development:

- a. A letter of intent signed by both parties must be included with the RDCS application.
- b. The homes are to be built by the nonprofit agency through a self help building program or other applicable program approved by the City.
- c. The project must provide an area for a minimum of 8 BMR units as part of the joint venture agreement. If 10 percent of the project is less than 8 dwelling units, allocations above 10 percent of the project may be drawn from the affordable allotment set-aside if available, to achieve the 8 unit minimum.
- d. The price range and target income of the buyers shall be determined and approved by the City and non profit agency prior to the RDCS application.
- e. The site and architectural plans for the affordable units shall be shown on the plans and shall be considered part of the market rate application.

Note: If the applicant and non profit agency are unable to obtain the necessary funding, allotments, or encounter other obstacles and are unable to produce the affordable housing through the joint venture agreement; then the applicant will be required to choose one of the other options to achieve 13 points under criteria B4 in this category. Any unused affordable building allotment transfer shall be returned to the affordable allotment set-aside category.

6. In addition to points awarded under criterion B.3 above, a Micro, Small, or any project having all lots in excess of 20,000 square feet, will receive **six points** if it chooses to pay double the standard housing mitigation fee computed at ten percent of the total project (including replacement units). (Ord. 1731 N.S. § 1, 2005)

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Note: Proposed developments must be assigned a minimum passing score of eight points under this category in order to qualify for building allotments. (Ord. 1731 N.S. § 1, 2005; Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. §§ 9, 10 & 11, 2002; Ord. 1517 N.S. §§ 9 & 10, 2001; Ord. N.S. 1486 § 9, 2000; Ord. 1438 N.S. § 7, 1999; Ord. 1404 N.S. § 7, 1998; Ord. 1346 N.S. §§ 7 & 8, 1997; Ord. 1323 N.S. § 38, 1997; Ord. 1228 N.S. § 7, 1995; Ord. 1179 N.S. § 11, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.270 Housing types.

A. "The extent to which the proposed development itself consists of a diversity of housing types to meet the goals of the housing element of the general plan.

..... **(15 points)"**

1. In order to develop residential neighborhoods which have a mix of housing types, new residential construction should consider the existing composition of the neighborhood and plan its housing design accordingly.

B. Standards and Criteria

1. Provides for a diversity of housing types:

a. Utilizes a mix of the various housing categories to provide housing diversity as follows by housing type* (a maximum of **seven points, two points** per housing type, excepting the 15% single story housing type which is worth **three points**).

Note: Rental projects will receive **seven points**. Owner-occupied single-family attached, mixed-use CC-R zoned projects and multi-family R2 and R3 and R4 zoned projects will receive **five points** for one housing type, and **seven points** for two or more housing types. (Ord. 1731 N.S. § 1, 2005)

* Housing Types are defined as follows:

- Single-family detached
- Single-family attached (includes one and two unit condominium buildings).
- Multi-family rental or stacked condominiums or condominium units in buildings containing three or more units.
- Custom lots
- Mobile homes
- Secondary dwelling units
- Single story dwelling units (must represent at least 15% of the total dwelling units)
- Small vertical mixed-use (applies only to projects of 15 units or less in size) (Ord. 1731 N.S. § 1, 2005)

For the above determination, the number of units for a particular housing type when divided by the total number of units in the project, must represent at least ten percent of the total number of housing units in the development (fifteen percent for single story units). The ten percent requirement would be in addition to any housing type used for below market rate (BMR) units. Single story BMR units may be counted toward the fifteen percent overall requirement for single story units.

Note: The percentage requirements stated above are absolute figures. Rounding to the nearest whole number is not permitted. A minimum of 10 percent (fifteen for single story units) is required, i.e. rounding up to get 10 percent is not allowed.

b. Over and above the BMR units committed in this section, the project provides an additional 10% detached units in an R-2 project or an additional 10% attached units in an R-1 project or an additional 10% ownership (e.g., townhouse units) in an R-3 project. **(two points maximum)**

Projects that have both R-2 and R-1 zoning designations can receive one point for providing an additional 10% detached units in the R-2 project area and/or one point for providing an additional 10% attached units in an R-1 portion of the project.

Note: The 10 percent determination will be based on the overall project. For ongoing projects, this criterion will be applied to the remaining phases only. The percentage requirement stated above shall be an absolute figure, rounding to the nearest whole number is not permitted. A minimum of 10 percent is required, i.e. rounding up to get 10 percent is not allowed. This criterion only applies to for sale projects.

2. Provides for an economic diversity within the project.

a. The proposed project would augment the existing housing stock by providing housing which would be affordable under the income categories described below. A maximum of two points (or four points if for rent) may be awarded to projects which reserve a portion of the total units (see table below) as affordable to very low income households within 100 percent rental projects or low income (ownership units) in other projects.

Note: A Micro, Small, or any project where all lots are in excess of 20,000 square feet,

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will receive **two points** if it chooses to pay the standard housing mitigation fee computed at ten percent of the total project (including replacement units), or **four points** if it chooses to pay double the housing mitigation fee.

For Sale Projects

10% or greater BMR Commitment

5% BMR Commitment

P o i n t s	Provides for 10%+ affordable units LOW	Provides for 10%+ affordable units MEDIAN	Provides for 5% affordable units LOW	Provides for 5% affordable units MEDIAN
4*				
2	5	8		
1.5	8	3		
1.5	10			

* **Applicable to 100 percent affordable projects.** (Ord. 1731 N.S. § 1, 2005)

Note: If the applicant and non-profit agency are unable to obtain the necessary funding, allotments, or encounter other obstacles and are unable to produce the affordable housing through the joint venture agreement; then the applicant will be required to choose one of the other options to achieve the 2 points in this (for sale) category. Any unused affordable building allotment transfer shall be returned to the affordable allotment set-aside category.

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For Rent Projects

	10% BMR Commitment		5% BMR Commitment	
P o i n t s	Provides for 10% affordable units VERY LOW/LOW	Provides for 10% affordable units LOW	Provides for 5% affordable units VERY LOW/LOW	Provides for 5% affordable units LOW
4	10	0		
3	5	5		
2	0	10	5	0

(Ord. 1731 N.S. § 1, 2005)

3. For single-family/ownership projects, the proposed project provides for a variation of housing sizes within the project. The proposed project provides at least a fifty percent variation in house size from the smallest to largest floor plan and each house size represents at least ten percent of the total units (**four points**). For purposes of making the above determination, there must be at least three (3) different floor plans and a one hundred twenty square foot difference between the size of each floor plan where the floor plans do not exceed 1,500 square feet (less than one hundred twenty square feet difference will be aggregated as one floor plan). Where the floor plans exceed 1,500 square feet, there must be a two hundred square foot difference between the size of each floor plan (less than two hundred square feet difference will be aggregated as one floor plan).

For small vertical mixed-use, multi-family projects, and 100% affordable ownership projects, the variation will be based on number of bedrooms. A project which provides one bedroom units only, will receive **one point**. A project which provides a mix of one and two bedroom units or two bedroom units only, will receive **two points**. A project which provides dwelling units with a mix of one, two and three bedroom units or dwelling units with three or more bedrooms only within the development, will receive **four points**. Each bedroom category

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must represent at least ten percent of the total units. Affordable ownership projects must provide a minimum of three floor plans to be eligible for points under this criterion. (Ord. 1731 N.S. § 1, 2005)

Note: BMR units may not be used when determining housing size variations

18.78.280 Quality of construction standards.

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A. "Architectural design quality as indicated by the quality of construction and by the architectural elevations of the proposed buildings, judged in terms of architectural style, size, and height.

..... (15 points)"

1. The proposed project should create buildings that are responsive to the needs of its users and the environment, while also accomplishing it in an appealing and attractive manner. The overall project design should be compatible and harmonious with existing adjacent residential neighborhoods and land uses, while still maintaining its own special character.

B. Standards and Criteria.

1. Provides harmonious use of exterior building materials and varying front elevations with low repeat factors. A reverse floor plan does not count as a separate elevation. An elevation to be considered different must include significant modifications to the exterior appearance of the structure.

a. Floor plan & elevation repeats 0 -3.5 times: **one point**

For single family detached buildings, repeat factor is the total number of building lots divided by: the number of floor plans multiplied by the number of alternate elevations for each plan (i.e.: repeat factor = number of building lots/(floor plans)*elevations).

For single-family attached or multi-family buildings, repeat factor is the number of structures divided by: the number of different footprints times the number of alternate elevations for each footprint (must have a minimum of two elevations within the project).

2. Uses design and construction that conserve resources:

a. Provides for energy conservation through the use of energy-efficient building techniques, materials, and appliances, such that the buildings consume less energy than allowed by California's Title 24 Building Energy Efficiency Standards, as documented in the energy compliance reports submitted at the time of application for building permits. **(Maximum five points will be assigned under this criterion)** (Ord. 1731 N.S. § 1, 2005)

i. Uses EPA "Energy Star" labeled windows with low-e coatings and vinyl or metal frames, and includes installation of a high efficiency gas furnace of 90 percent efficiency rating or greater in all dwelling units. Applicant must specify how the

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- 15 percent reduction in energy usage will be achieved. **(two points)**
- ii. Provides two separately zoned high-efficiency heating systems in units over 3000 square feet, and units less than 3000 square feet whose floor plans allow effective dual-zoning. For maximum points, at least 60 percent of the dwelling units in the project must be dual-zoned and all units must include the installation of high efficiency gas furnaces with 90 percent efficiency rating or greater. **(up to two points)**
 - iii. Installation of air conditioning units with high efficiency condensing unit with a SEER rating of 12 or higher. Must be installed in more than 60 percent of the dwelling units in the project. **(one point)**
 - iv. Installation of a high efficiency gas furnace with an efficiency rating of 90 percent or greater, in all units. Applicable only to projects that do not provide for a reduction in energy usage below Title 24 standards as specified in B2a(i) or the separately zoned heating systems as specified in B2a(ii) above. **(one point)**
 - v. Homes that utilize alternate energy sources, such as solar hot water, solar space heating or other energy saving methods not included elsewhere in the category. **(up to two points)** (Ord. 1731 N.S. § 1, 2005)
 - vi. Installation of a HERS (Home Energy Rating System) certified heating and air conditioning (HVAC) system with all duct work tested and certified to achieve a minimum 3 percent savings in the home energy budget. **(one point)** (Ord. 1731 N.S. § 1, 2005)
- b. Provides for household water conservation through innovative building techniques that result in reduced water waste, and which exceed current city and state standards. For example, recirculating hot water system with demand pumping, or other water saving plumbing systems or features such as a separate grey water (recycled water) irrigation system. Applicant must be specific in describing how the proposed system exceeds code requirements. Note: Not applicable to water conserving landscape irrigation systems such as sprinkler stations, timers or water saving sprinklers, etc. See scoring under Landscaping Category **(up to one point)**
3. Uses materials and construction techniques that exceed current building requirements of the Uniform Building Code adopted by the city as follows:
- a. Installation of cast-iron drainage pipe and piping insulation between floors for sound reduction of plumbing, and installation of future ready wiring concepts such as home

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running phone lines from all habitable rooms directly to main phone box rather than looping using RJ6 for television/video and high speed computer access, and CAT5R or equivalent for telephone lines. **(one point)**

b. Class A roof covering such as light weight concrete tile, architectural grade composition shingle or better and uses other materials and construction techniques that exceed current requirements, including, but not limited to glued and screwed sub-floors, insulation of interior walls for sound, TJI floor joists, and pre-plumb gas lines to dryer along with 220 volt outlet. Not applicable to foundation designs. Applicants must specify how the construction techniques would exceed code requirements **(one point)**

Applicant must be specific in describing how the proposed materials and construction exceed code.

4. Provides architectural variation and differentiation as follows:

a. Uses porches, balconies, for any area viewed from the public right-of-way or multi-unit courtyards interior to the project on at least 25% of units to promote a neighborhood feel **(two points)**

b. Uses at least two different roof lines and two different pitches throughout the project, i.e. gable, hipped, dormers, Mansard, etc. **(one point)**

c. Uses architecture and profiles and massing that conforms and works with the existing surrounding neighborhoods. Applicable only where a project adjoins an existing neighborhood on at least one side or twenty-five percent of the project's frontage. **(one point)**

d. Provides a consistent level of architectural relief and detailing on all four building elevations. Where two-story rear and/or side-yard building elevations occur, architectural relief shall include some third dimensional design element such as bay windows, balconies, covered porches, decorative trellis, etc. In addition, each standard trim and base color must represent no more than 15% (project size permitting) of the project. **(up to two points)**
(Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. §§§§§ 14, 15, 16, 17 & 18, 2002; Ord. 1517 N.S. §§ 13 & 14 Ord. 1486 N.S. § 11, 2000; Ord. 1438 N.S. § 10, 1999; Ord. 1404 N.S. § 9, 1998; Ord. 1346 N.S. § 12, 1997; Ord. 1228 N.S. § 9, 1995; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.290 Lot layout and orientation.

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A. "Site design quality as indicated by lot layout, orientation of the units on the lots, and similar site design consideration.

..... **(15 points)"**

1. The overall project's site design quality is largely dependent upon the layout of the individual lots. Variations in lot sizes and configurations must take place to accommodate changes in natural terrain and street design, although this is not to be construed as meaning that areas of consistent terrain need not have lot variations. The variations in lot size, shape, and layout would encourage a corresponding variation in house designs and orientations. Site design will incorporate the utilization of the sun and wind to the greatest extent possible for heating and cooling purposes.

B. Standards and Criteria.

1. Provides good site design considerations in all lot layouts.

a. In context of the overall project, avoids excessively deep or narrow lots. The project also must provide side yards at least 20 percent in excess of the minimum required to avoid crowding and to enhance spatial relationships. **(one point)**

b. Provides building separations in apartment or condominium developments that are at least 20 percent in excess of minimum code requirements. **(one point)**

c. Avoids excessive use of sharp angled lots which waste land and constitute poor building sites. **(one point)**

d. Avoids creating lots which require driveways greater than 150 feet in length for access. **(one point)**

e. A sufficient transition in lot sizes, or building sizes in R-3 developments, is proposed in the site plan design to allow compatibility between existing and proposed neighborhoods. **(one point)**

f. Over-all excellence of lot layout. Layouts deemed to be average will receive **zero points**, above average layouts will receive **one point**, and superior layouts will receive **two points**.

For scoring purposes points will be assigned as follows:

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Average Project: A project requiring 2 or more major design changes, or which has 4 or more minor problems. **(zero points)**

Above Average Project: A project requiring 1 major design change, or which has 3 minor problems. **(one point)**

Superior Project: A project requiring no major changes and which has 2 or less minor problems. **(two points)**

This criterion shall not apply to that portion of the project awarded a building allotment prior to October 1, 1999, except where the inclusion of the earlier allocated phase(s) would result in a higher score.

2. Provides street design which complements lot layout and building orientation:
 - a. Locates streets and arranges units to provide park/open space area that is aggregated into large meaningful area(s) that are conveniently located within the development. **(one point)**
 - b. Locates streets, design lots, and arranges units to enhance neighborhood security by arranging a minimum of 75 percent of the units so that entrances are visible from the public right of way or private circulation areas. **(one point)**
3. Provides a variety of setbacks which complements the overall site design.
 - a. A minimum five-foot front setback variation is provided between adjoining units for single-family dwellings, and four-foot front setback variation is provided between adjoining buildings for multi-family developments. **(one point)**
 - b. A minimum five-foot rear setback variation for single-family dwellings, and four-foot rear setback variation for multi-family dwellings is provided between adjoining units. **(one point)**
 - c. The proposed project provides at least a four foot variation in standard lot widths (excluding cul-de-sac lots) and each lot width represents at least ten percent of the total lots. For purposes of making the above determination, there must be at least three different standard lot widths and at least a four foot difference in the width of each standard lot. **(one point)**
 - d. Uses garage placement to provide lot variation. At least 25% of Units have side-loading, detached, rear garages, or two car garages with tandem parking space to accommodate a third vehicle inside the garage. **(one point, when 25% of the units have garage orientation as**

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stated above; two points when 50% of the units have garage orientation as stated above). Multi-family developments may satisfy this criterion by locating garages, carports, and parking spaces at the side or rear of buildings at locations not visible from the public right-of-way. **(up to two points)**

4. Uses lot layout and design techniques that reduce noise. Such techniques where appropriate include increased setbacks, significant landscape buffer areas, sound insulation board in the building construction, placement of air conditioning units away from property lines and side yard areas to minimize noise impacts to adjoining dwellings, etc. **(up to two points)**

5. For projects in the Downtown Area, third story building setback areas are articulated with design elements that provide visual interest, such as use of outdoor decks and balconies. **(one point)**

6. In the Downtown Area, the project addresses building to building variation in the façade and building space above through use of architectural details such as bay windows, decorative belt courses, moldings around windows, and planter boxes, etc., that span from one building to another. **(one point)**

7. Downtown area projects will receive one point for providing shared parking and/or rear parking lots. **(one point)** (Ord. 1731 N.S. §1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. §§ 19 & 20, 2002; Ord. 1517 N.S. §§ 15 & 16, 2001; Ord. 1486 N.S. § 12, 2000; Ord. 1438 N.S. § 11, 1999; Ord 1404 N.S. §§ 10 & 11, 1998; Ord. 1346 N.S. § 13, 1997; Ord. 1228 N.S. § 10, 1995; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.300 Circulation efficiency

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A. "Site and architectural design quality as indicated by the arrangement of the site for efficiency of circulation, on-site and off-site traffic safety and privacy.

..... **(15 points)"**

1. An efficient circulation system is one which accommodates various regular transportation modes (walking, biking, private automobile and public transit) in a safe and unified manner. Future residential areas should incorporate design elements whenever possible to make these forms of transportation more convenient and safe for the users.

B. Standards and Criteria.

Note: Project scoring in this section shall be based on the overall project master plan and shall include improvements completed in previous phases of the same development.

1. Streets, access ways and parking are designed for safe and efficient circulation.

a. Local streets or access-ways interior to the project are designed to discourage fast traffic using curvilinear roads or traffic control devices. **(one point)**

b. Provides for the future extension of streets for proper access or circulation to adjacent properties by providing one or more stubs or other improvement internal to the project. The future street extension(s) must be consistent with the General Plan or other adopted circulation plans. **(up to two points)** (Ord. 1731 N.S. § 1, 2005)

c. Provides for the future extension of drive aisles, or connections to shared access drives or adjacent parking lots. **(one point)** (Ord. 1731 N.S. § 1, 2005)

d. Interior streets and/or drive aisles are designed to meet all city safety and parking standards and allow for a looping pattern of circulation. **(one point)**

e. Eliminates existing stub or substandard streets. Frontage improvements will not apply to this criterion unless the improvements occur along an arterial or the project completes full width street improvements along the project frontage. **(up to two points)**

f. Avoids short blocks between existing and/or proposed streets. A short block is considered to be less than two hundred fifty two feet from centerline to centerline of streets. Within a project, an entry aisle less than two hundred fifty two feet from the entry is acceptable. This criterion is not applicable where a driveway and/or drive aisles and curb cuts are used to provide access to the entire project site. **(one point)**

g. Provides a minimum 20-foot clear view back-out distance between enclosed garage space and drive aisle. **(one point)**

h. When possible, access to the project is provided from at least two separate streets. If access to separate streets is not possible, there must be a minimum of two hundred feet

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between access points to the project on the same street. **(one point)**

i. Provides appropriate landscape islands and entry monuments/gateway features. **(one point)**

j. Project provides circulation to facilitate emergency response and patrol as determined by the fire chief and police chief. Off-set intersections are avoided. The project shall include specific information to provide for turnarounds and secondary access proposal for phased projects. **(one point)**

k. Project provides public parking in the Downtown Area consistent with the Downtown Plan (i.e., at mid block areas between E. Second and E. Third and E. Third and E. Fourth Streets, on the east side of Depot Street, etc.) **(up to two points)** (Ord. 1731 N.S. § 1, 2005)

2. Promotes the privacy of residential neighborhoods.

a. Internal project circulation is designed for use primarily by local residents. **(one point)**

b. Street layouts are designed to avoid the creation of undesirable situations such as double frontages, utility easements in rear or side yards of private property, or developable land locked property. **(one point)**

3. Provides for dedication and improvement of extensions to existing streets and shared parking lots outside of the project boundaries. The cost of the offered dedication and public improvements shall be equal to or greater than \$1100 per unit per point. Should the offered dedication and improvements be redundant to those made under 2f. of the Public Facilities (PF) section, points will be awarded here first and then any excess applied to the PF section. For example, if \$1500 per unit of improvements were recorded in this section and in PF, 1 point would be awarded here and \$400 per unit would be available to add to any non-redundant improvements made under the PF category, under Section B.3.a of the Schools category or under B.5 of the Livable Communities category.

Projects which offer to complete adjacent or nearby off-site public facility improvements which were committed to be installed by another project under a previously approved application will not receive points for the same commitment. **(Up to two points)** (Ord. 1731 N.S. § 1, 2005)

4. In R-3 and higher density mixed use projects, the proposed development minimizes conflicting back out movements by using single loading streets or drive aisles to access individual parking spaces. **(one point)**

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5. In R-3 and higher density mixed use projects, interior parks and recreation amenities are located away from parking lots and circulation aisles. **(one point)**

6. Projects located in the Downtown Area may be awarded **up to four points** based on the following criteria: (Ord. 1731 N.S. § 1, 2005)

a. The project provides mid-block pedestrian connections through large buildings that provide access to public or private open space areas and plazas. For the criterion to apply, the pedestrian connection must be continuous and unrestricted. **(one point)** (Ord. 1731 N.S. § 1, 2005)

b. The main project entries are oriented directly to the public streets to encourage connections through the existing network of sidewalks. **(one point)** (Ord. 1731 N.S. § 1, 2005)

c. The project closes gaps in the pedestrian and bicycle network through replacement or extension of sidewalks, pathways or bike lanes beyond the project frontage. **(one point)** (Ord. 1731 N.S. § 1, 2005)

d. The project provides bicycle parking with racks at convenient locations near building entrances and bus stops. **(one point)** (Ord. 1731 N.S. § 1, 2005)

Note: For B.3 above, emphasis will be placed on improvements for dedicated extensions of existing streets within one mile of the project. (Ord. 1731 N.S. § 1, 2005)

Proposed developments must be assigned a minimum passing score of **seven points**, or a minimum of **5 points** for Downtown Area projects under this category in order to qualify for building allotments. (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. § 21, 2002; Ord. 1517 N.S. § 17, 2001; Ord. 1486 N.S. §§ 13 & 14, 2000; Ord. 1438 N.S. § 12, 1999; Ord. 1346 N.S. § 14, 1997; Ord. 1228 N.S. § 11, 1995; Ord. 1179 N.S. § 14, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.310 Safety and Security

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A. "Site and architectural design quality as indicated by the amount of private safety and security provided in the design of the individual structures.

..... **(10 points)"**

1. Residential structures should create the feeling of comfort and peace of mind by using design and materials that increase safety and security. The lighting, glazing, and positioning of non-private or semi-private areas, and access areas must facilitate their natural surveillance by residents and formal authorities.

B. Standards and Criteria.

1. Enhances safety and security as follows:

a. Provides fire escape ladders for upper floor bedrooms and one mounted fire extinguisher (rated 2A10BC) for up to the first 1,500 square feet of floor space, and one additional extinguisher for each additional 1,500 square feet of floor space or fraction thereof.

(1/2 point)

b. Provides a first aid kit with a poison control document to be installed in the kitchen area of the home. **(1/2 point)**

c. Any other fire protection device or construction technique approved by the fire chief not already required according to the Uniform Fire Code. **(1/2 point)**.

d. Provide outdoor lighting to meet all police department specifications. **(1/2 point)**

e. Install illuminated address numbers for each unit and painted reflective curb numbers where possible. **(one point)**

f. Any other intrusion protection device or construction technique approved by the police chief. **(1/2 point)**

Note: Application must stipulate that the reflective painted curb addresses will be maintained by a homeowners association. A Small or micro project will receive **one point** without the requirement for painted curb addresses.

2. Use of noncombustible siding materials in the following manner:

a. **One point** when noncombustible siding is used on at least 50 percent of the total units and on at least 50 percent of the siding of an individual unit, or;

b. **Two points** when noncombustible siding is used on at least 50 percent of the total units and comprises at least 75 percent of the siding of an individual unit, or;

c. **Two points** when noncombustible siding is used on at least 75 percent of the total units and comprises at least 50 percent of the siding of an individual unit.

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3. Installation of an intrusion, fire alarm and heat detector system, monitored by a central station, or to include auto dialer which meets City ordinance. For multi-family projects, points will be awarded for a fire alarm system without central monitoring, and NO intrusion system. **(two points; three points** when the developer includes a one-year monitoring contract with the home purchase and commits to deliver to the homeowner a City specific responsible listing card that the City Police Department can keep on file)

4. Provides residential fire sprinkler system according to NFPA Chapter 13D specifications. **(three points)**

5. Neighborhood Emergency Preparedness Program administered through a homeowners association or central property management. **(one point)**

6. Developer to provide a hardwired carbon monoxide detection device or devices with battery backup. The installation of the devices are to be located per manufacturer's requirement with at least one detector per floor of the residence. **(one point)**

7. The developer shall include provisions in the Covenants, Conditions and Restrictions (CC&R's) of the Homeowner's Association which directs a Board representative to the City of Morgan Hill Police Department's Community Service Officer to enact a neighborhood watch program to be established as part of the first phase of the development. For rental projects, neighborhood watch programs shall be administered through a central property management. **(one point**, criterion does not apply to small or micro projects)

NOTE: Proposed developments must be assigned a minimum passing score of **five points** under this category in order to qualify for building allotments. (Ord. 1677 N.S. § 1, 2004; Ord. 1575 N. S. § 22, 2002; Ord. 1517 N.S. § 18, 2001; Ord. 1486 N.S. § 15, 2000; Ord. 1346 N.S. § 15, 1997; Ord. 1228 N.S. § 12, 1995; Ord. 1179 N.S. § 15, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1049 N.S. § 2, 1991; Ord. 1034 N.S. § 1 (part), 1991)

18.78.320 Landscaping, screening and color.

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A. "Site and architectural design quality as indicated by the amount and character of landscaping and screening and color of buildings..... **(10 points)**"

1. All trees, shrubs, ground cover, walls and fences, mounding, landscape furniture, paths, lighting, etc., should be compatible with the topography and other characteristics of the site, the character of adjacent quality landscaping, and the architectural features of adjacent structures. Efficiency in exterior design and landscaping is an important part of the character of a home. A gain can be made in terms of heating and cooling, noise abatement and pest control. The functions of plants should be the basis for their use in environmental design.

B. Standards and Criteria. **(Maximum ten points)**

(Note: Custom lots and custom lot developments may receive points in pertinent sections below where landscaping will be provided by the lot owner. This requires development agreement commitments being recorded against each such lot, including a statement that landscaping requirements must be in place or bonded prior to receiving City approval for occupancy.)

1. Uses landscaping techniques that enhance the quality of the site.

a. Applicant agrees to provide twenty-four inch box-size trees from a city approved list, with a minimum height of nine feet and a spread of three to four feet. The box-size trees will be provided within the development at a ratio of one box-size tree per ten trees provided with the landscape area to be installed by the developer. The one box size tree per ten trees calculation does not include street trees. **(one point)**

b. Provides sufficient planting around all necessary and appropriate group parking to achieve shading and visual screening as viewed from the public street. **(one point)**

c. Varied front yard landscaping plans are installed by the developer. For multi-family projects, this criterion shall apply to varied landscaping installed along the project frontage and for the landscaping installed in front of the buildings in the interior portions of the project. **(one point)**

d. Deciduous trees will be planted along the south facing side of homes or buildings to conserve energy by giving shade in the summer and maximum solar gain in the winter. **(one point)**

e. All street trees are twenty-four inch box trees from the city approved list. **(one point)** (Ord. 1731 N.S. § 1, 2005)

f. Project provides or conforms to a Street Tree Master Plan that addresses tree selection, location of trees on each lot, proper tree spacing, and preservation of any existing trees

(excluding orchard trees). **(one point)** (Ord. 1731 N.S. § 1, 2005)

2. Landscape planting and irrigation systems are designed to conserve water usage.
 - a. Drought tolerant grasses are used for lawn areas and no more than twenty-five percent of the landscape area is covered with lawn. The twenty-five percent lawn coverage calculation is exclusive of landscape area within parks. **(half point)**
 - b. Automatic irrigation systems utilize separate valves and circuits for trees; shrubs and ground covers; and lawn areas. Minimum of three separate valves required. A separate valve shall be provided for the following areas: front lawn, rear lawn, and for trees, shrubs and groundcover (combined) where viable. If trees, shrubs, and groundcover cannot be combined under 1 valve, a separate valve for trees shall be provided, resulting in a minimum of 4 separate valves required. Water conserving irrigation system is also used within the development, i.e., drip irrigation. **(half point)**
 - c. The landscape to be installed by the developer will include hardscape coverage such as decorative paving, wood decking, decorative stone and similar non-irrigated areas on at least fifteen percent of the landscape area. Pedestrian walkways across circulation aisles are not included in this item. **(half point)**
 - d. For at least 75% of all plant material, uses water conserving plants contained on the Selected Plant List, Appendix A of the City Water Conservation Landscape Guide. **(half point)**
 - e. Uses a separate water source (e.g., well, import or recycled water) to irrigate common area landscape areas and front yard areas that are maintained by a homeowners association. **(up to two points)**
 - f. Project connects to an existing water supply separate from the City's water system (e.g., an off-site irrigation well) for landscape irrigation. Applies to small and micro projects only. **(one point)**
3. Landscaping is installed on all areas visible from public and private rights-of-way. **(one point)**
4. Project uses pervious pavement in all open parking lots, driveways and sidewalk areas to minimize drainage runoff. Project must be located in an area of rapid soil permeability for criterion to apply. **(two points)** (Ord. 1731 N.S. § 1, 2005)
5. Downtown Area project uses building color to enhance architectural details and add to the visual interest of facades. **(one point)** (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1517 N.S. § 19, 2001; Ord. 1438 N.S. § 13, 1999; Ord. 1346 N.S. § 16, 1997; Ord. 1304 N.S. §

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3, 1996; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.330 **Natural and environmental features.**

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A. "Site design quality in adapting the development to the setting, including the preservation of vegetation, trees, natural terrain, and other natural and environmental features.

..... (10 points)"

1. The proposed development should always adapt itself to the environment rather than vice-versa. The residences and supportive infrastructure shall be designed with nature in mind, by following the natural form of the land, preserving unique natural features and environmentally sensitive areas, arranging building sites around existing trees, and "blending in" the development to the surroundings.

2. A high quality project is one that uses what is available but also improves the total environment for the people who live within and nearby.

B. Standards and Criteria.

1. The proposed development utilizes environmental preservation techniques.

a. Foundation types are designed to minimize grading of the site and road alignment follows and maintains existing ground elevation to the greatest extent possible. Minimal grading is considered a fill or excavation of less than two feet in depth (three feet is acceptable for detention ponds). **(one point)**

b. Restricts the amount of runoff caused by impervious surfaces and the covering of land area suitable for percolation where applicable. **(one point)**

c. Each building site preserves significant trees as defined in Section 12.32.020G of the Morgan Hill Municipal Code, but also allows enough flexibility in the final location of the final house design to fit the house to individual trees and detailed grade characteristics. **(one point)** **Note:** Requires an arborist report to confirm that the tree(s) are significant and the condition or health of the tree(s) are suitable for preservation. (Ord. 1731 N.S. § 1, 2005)

d. Preserves the natural setting by locating park or common open space areas around significant trees. **(one point)** (Ord. 1731 N.S. § 1, 2005)

e. Considers, preserves or improves natural conditions on or adjacent to the site such as wildlife habitats, streams, those watercourses the Santa Clara Valley Water District recognizes as creeks (Llagas, Little Llagas, Fisher, and Coyote creeks) when appropriate and preserves riparian habitats in a natural state. Scoring will be as follows:

i. Project has such a site and does NOT preserve/improve it. **(minus one point)**

ii. Project has no such site. **(zero points)**

iii. Project has such a site and preserves and improves the natural conditions. **(up**

to two points)

(**Note:** Only improvements made to an on-site area qualify for maximum points.)

2. The proposed development creates an environment that enhances the quality of life for the people who live in the development and the local neighborhood.

a. Uses design and layout techniques that give individuals maximum privacy within and outside the homes. Such techniques include the off set of windows between units, alternating outdoor patio areas and entrance and consideration of fence height in relation to grade changes. **(one point)**

b. Uses various site development practices to protect existing open space, hillsides and agricultural land with maximum points awarded for the protection of areas external to the project. **(up to two points)**

c. Arranges buildings, access-ways and locates parking areas and open space to minimize the use of sound walls next to the freeway, the railroad tracks, arterial or collector streets. **(two points)**

3. Project reduces construction waste sent to landfill sites by agreeing to implement at least two of the following recycling methods during construction: **(one point)**

i. Dry wall is source separated and recycled;

ii. wood waste is source separated for recycling or composting;

iii. cardboard containers and boxes are source separated and recycled.

4. At least 50% of the homes include solar electric panels for power generation providing at least 25% of the home electricity requirement. **(one point)** (Ord. 1731 N.S. § 1, 2005)

5. Project incorporates the following Green Building Design Concepts: (Ord. 1731 N.S. § 1, 2005)

i. Uses certified Forest Stewardship Council (FSC) plywood **(1/2 point)**

ii. Uses building insulation with minimum 25% recycled content **(1/2 point)**

iii. Uses light exterior roof colors to reflect the sun's heat. **(1/2 point)**

iv. Uses low to zero emission volatile organic compounds (VOC) and adhesives. **(1/2 point)**. (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1517 N.S. § 20, 2001; Ord. 1438 N.S. § 14, 1999; Ord. 1404 N.S. § 12, 1998; Ord. 1346 N.S. §§ 17 & 18, 1997; Ord. 1228 N.S. § 13, 1995; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.335 Livable Communities.

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A. "The extend to which the proposed development exhibits overall project excellence and/or incorporates or otherwise embodies the concept of Livable Communities, such as proximity to transit, pedestrian orientation, efficiency of street system, mixed use, infill and maximization of use of existing infrastructure.

..... (10 points)"

B. Standards and Criteria

1. Proposed project phase(s) are subjectively judged by the Planning Commission to be superior with respect to overall project excellence. **(two points** when awarded by a super majority of the voting members, or **one point** when awarded by a majority of the voting members of the Planning Commission)

Note: The determination of project excellence will include input from the Building and Planning Divisions and the Public Works Department regarding the performance of the developer during any previous building permit processes. The timeliness and accuracy of the application submittal by the developer for any previous project will be an important consideration. Negative performance factors include more than two plan checks and/or projects which submit for building permits prior to ARB approval and prior to application for Final Map approval. No recommendation will be provided for developers who have not previously built in the City.

2. Provides low-maintenance on-site walkways and on-site bike paths throughout the development to maximize their use and promote safety. This criterion does not apply to city standard sidewalks, or where the provided path is adjacent to city standard sidewalks. **(one point)**

3. Encourages the use of public transportation in residential areas by constructing bus shelters, benches, reinforced street sections or bus pullout areas **and** these improvements are located on an approved or planned Valley Transportation Agency (VTA) transit route and accepted by the VTA for maintenance. A letter from the VTA shall be submitted confirming VTA's acceptance and maintenance of the proposed bus stop. For planned bus routes, the VTA letter shall provide confirmation of the future bus route extension. This criterion may apply to a bus stop constructed in the initial or previous phase that would serve subsequent phases of the same development. **(one point)**

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4. Project is located within a quarter mile walking distance of the bus stop or other transit facility (the W. Main/Hale Park & Ride Facility, Caltrain Station or Route 68 regional transit line). **(two points; one point** if the project is within ½ mile walking distance of the above transit facilities or a ¼ mile of other approved bus routes)

5. Provides access to stores, services, schools, employment areas by constructing sidewalks where it does not currently exist within a quarter mile of the development. The cost of the sidewalk improvements shall be equal to or greater than \$1100 per unit per point. A value greater than \$1100 per unit can be credited to other categories (Schools, Public Facilities or Circulation) **(one point)**

6. Creates a continuous building frontage along the streetscape with buildings fronting on public streets, and applies the Valley Transportation Authority's standards for walking distance to amenities such as stores, services, schools and major employment centers. **(one point)**

7. Project is designed as "vertical mixed use" with retail/commercial on the ground level and residential above. Larger mixed use projects that combine commercial and residential uses will receive **maximum points** in this category only to the extent that the residential and commercial uses are well integrated with each other, sufficient pedestrian connections between uses exist and parking fields are minimized from the public view **(up to two points)**

8. Builds to planned densities. Downtown Area projects that build in the upper one third of the allowable density range will be awarded two points; projects that build to the upper 15 percent of the density range will be awarded **three points**. (Ord. 1731 N.S. § 1, 2005)

9. Projects in the Downtown area are designed to fill in on existing utilities and require no new streets or infrastructure improvements. The existing infrastructure (sewer, water, storm drain and streets), must be of sufficient capacity to serve the development. **(two points)** (Ord. 1731 N.S. § 1, 2005)

Article III. Procedures for Micro Project Competition

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18.78.340 Eligible projects.

An eligible project is any type of residential development consisting of a maximum of six dwelling units. A project must also be located on a site which represents the ultimate or finite development potential of the property. In order to be considered as ultimate development, no further subdivision and/or residential development of the property would be possible pursuant to the general plan and this title. The only exception to this limitation would be the construction of a secondary dwelling unit on a single-family lot. (Ord. 1575 N.S. § 23, 2002; Ord. 1397 N.S. § 1, 1998; Ord. 1323 N.S. § 39, 1997; Ord. 1228 N.S. § 14, 1995; Ord. 1034 § 1 (part), 1991)

18.78.350 Filing periods.

Applications for development allotment evaluations shall be filed with the community development department no later than 21 months prior to the fiscal year of the building allocation or an earlier date as established by the City Council. (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1391 N.S. § 1, 1998; Ord. 1228 N.S. § 15, 1995; Ord. 1034 § 1 (part), 1991)

18.78.360 Planning officers' review.

The planning officer shall review each application to determine whether or not the proposed development conforms to the city's general plan, Title 17 and this title's requirements. If the planning officer determines that a proposed development does not conform to the general plan, Title 17 and this title, the application shall be rejected. If the application is rejected, an applicant may appeal the planning officer's determination in the manner prescribed in Section 18.78.100(B) of this chapter. (Ord. 1034 § 1 (part), 1991)

18.78.370 Evaluation--Standards and criteria.

A. Projects will be evaluated according to the standards and criteria contained in Sections 18.78.200 through 18.78.330 of this chapter.

B. In order to be eligible for building allotments, a project must receive at least **seven and one half points** in Part 1 and **one hundred fifty points** in Part 2 of the allotment

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evaluation. Those that fail to receive a minimum passing score will have the opportunity to improve their designs and reapply during the next competition.

C. To provide a more streamlined process, each micro project application shall be evaluated by the planning officer. The Part 1 criteria shall be applied in the manner consistent with the provisions contained in Section 18.78.200 of this chapter. However, under Part 2 of the evaluation, each micro project shall be assigned the following minimum scores:

<u>Category</u>	<u>Minimum Score</u>
Schools	16
Open space	12
Orderly and contiguous	2
Public facilities	5
Parks and paths	5
Housing needs	8
Housing types	12
Quality of construction	8
Lot layout and orientation	9
Circulation efficiency	8
Safety and security	5
Landscaping	7
Natural and environmental	7
Livable Communities	5
Total	109

D. The planning officer shall examine each proposed development and shall rate each development by the assignment of no more than the maximum number of points allowable on each of the following categories: schools, open space, orderly and contiguous, public facilities, parks and paths, housing needs, quality of construction and safety and security. The difference between the minimum score provided above, and the maximum score assigned in each of the aforementioned categories, shall determine a project's rating and eligibility for building allotments. In the event that two or more projects receive an equal number of points, the planning officer shall evaluate each project according to the remaining categories.

E. The planning commission shall review the planning officer's evaluation when the

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number of residential units in proposed developments exceeds the number of allotments authorized for the competition. (Ord. 1677 N.S. § 1, 2994; Ord. 1304 N.S. § 4, 1996; Ord. 1034 N.S. § 1 (part), 1991)

18.78.380 Award of allotments.

A. Proposed developments which have received a minimum of **one hundred fifty points** under Section 18.78.120 may be awarded an allotment for the following fiscal year. Where the number of residential units in proposed developments which have received the required number of points for a development allotment evaluation exceed the numerical limits established by the city council, the available allotments shall be awarded by the planning commission on the basis of the number of points received in Section 18.78.120 starting with the proposed developments receiving the most evaluation points and proceeding in order down the list until the numerical limit established by the council has been reached. Where allotments are made on the basis of a comparative standing on the list, any applicant who has received the required minimum number of points, but who is not high enough on the list to receive a development allotment, may appeal the matter of allotment evaluation to the city council.

B. Where the number of residential units in proposed developments which have received the required number of points for a development allotment evaluation are less than the numerical limits established by the city council, the available allotments shall be awarded by the planning officer in order of applications received. Any unused allocations shall be awarded by the Planning Commission to on going or next in line projects in other competition categories provided the unused allocation is awarded no later than 16 months prior to the fiscal year of the building allocation. (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1391 N.S. § 2; Ord. 1228 N.S. § 16, 1995; Ord. 1034 N.S. § 1 (part), 1991)

18.78.390 Distribution of allotments.

The total allotments shall be distributed on the basis of points received and without regard to any particular geographical distribution. A final determination on the distribution of allotments shall be approved by the city council prior to the competition. (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1228 N.S. § 17, 1995; Ord. 1034 N.S. § 1 (part), 1991)

18.78.400 Appeal procedure.

A. An applicant may appeal the planning officer's evaluation to the planning commission, or the planning commission's evaluation to the city council by filing a written notice of appeal with the community development department within fifteen days after the notice of evaluation has been mailed as described in Section 18.78.125(A)..

B. In the event an appeal of the planning officer's evaluation is filed, the planning officer shall place the matter on the next available agenda for a regular planning commission meeting. The planning commission shall consider the appeal at such regular meeting at which time the commission will hear the applicant or his representative and such other persons as may be able to assist the commission in the determination of the matter on appeal. The commission may affirm or modify the allotment evaluation. The planning commission's evaluation may be appealed to the city council in the manner prescribed under Section 18.78.130 of this chapter. (Ord. 1034 N.S. § 1 (part), 1991)

18.78.410 Development allotment application.

A. An application for a development allotment shall be made to the community development department on a form provided by the city. Such application shall contain the following information and be accompanied by the documents:

1. Uniform Application.
 - a. Five sets of submittal plans,
 - b. Current title report,
 - c. Filing fees;
2. Site Development and Landscape Plans.
 - a. Scale, engineering scale not to exceed one inch equals forty feet on 24" x 36" sheet. Also provide a reduced size copy on 11" x 17" size sheet attached to the project narrative,
 - b. Small inset vicinity map to show the relationship of the proposed development to adjacent development, the surrounding area and the city,
 - c. A plan showing general lot layout, general lot sizes, typical lot dimensions, general notes and information; show storm drainage routes and lines, and areas for storm water retention,
 - d. Include street alignments showing coordination with city streets and proposed

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rights-of-way; the plan should also show proposed public works improvements,

- e. Show proposed planting areas, park areas, and any other proposed uses,
- f. Include the name, address and telephone number of the applicant, architect and/or

engineer; also a graphic scale and north arrow;

3. Preliminary Architectural Plans.

a. Scale: architectural drawings should be included at 11" x 17" size sheet(s) attached to project narrative,

b. Provide front elevations and range of possible square footage for all models within the project,

c. Indicate on the plans the type of housing provided, i.e., multifamily, BMR, senior, single-family, etc,

d. Provide illustrative building elevations showing all sides of one typical model and front elevations of other buildings within the proposed development;

4. Project Narrative Questionnaire: submit three copies of the completed project narrative questionnaire;

5. Plan Preparation Guidelines.

a. All plans shall be drawn on uniform sheets no greater than twenty-four inches by thirty-six inches, or as approved by the community development director prior to submittal,

b. All plans shall be stapled together along the left margin,

c. All plans shall be folded into one-eighth sections or folded in such a manner that the size does not exceed nine inches by twelve inches,

d. All plans shall be clear, legible and accurately scaled.

B. Each application shall be accompanied by a reasonable fee set by the city council as prescribed in Section 18.78.090(B) of this chapter. (Ord. 1391 N.S. § 3, 1998; Ord. 1034 N.S. § 1 (part), 1991)

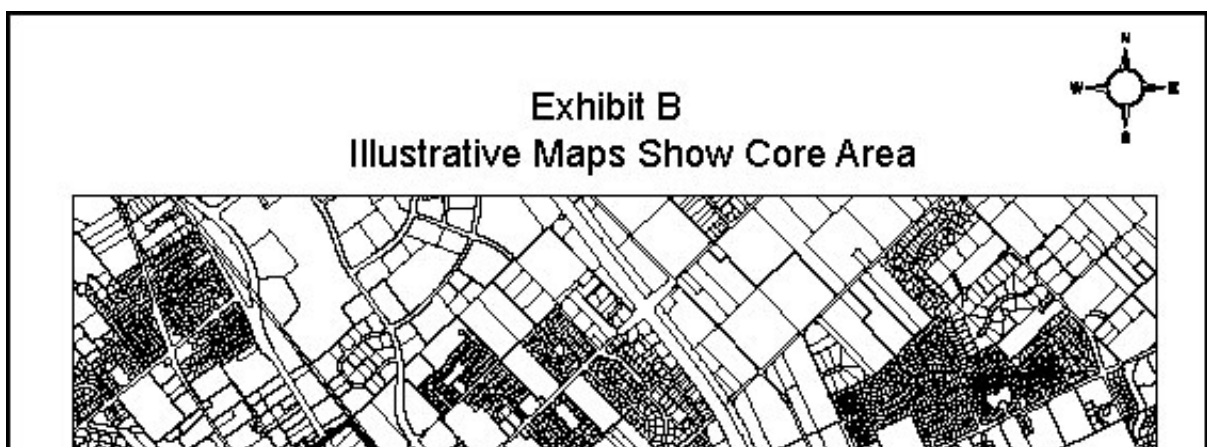
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